NORTH AMERICAN REVIEW

NO. DCLIII.

APRIL, 1910.

THE PROPOSED CHANGES AT HARVARD.

BY JOHN H. FINLEY, PRESIDENT. COLLEGE CITY OF NEW YORK, CHARLES F. THWING, PRESIDENT WESTERN RESERVE UNIVERSITY, AND DAVID STARR JORDAN, PRESIDENT. LELAND STANFORD JUNIOR UNIVERSITY.

CONCERNING WAYS AT HARVARD.

WHEN I observe, as I daily do, how different any one lad of my acquaintance is from any other lad of that same acquaintance, I wonder that any man of an active conscience, even if of great wisdom, can speak dogmatically, as many such men seem able to do, of any particular curriculum of education. Within the last few years there has come into use a word which intimates that to a fraction of young humanity at least, the once all-comprehending norms and dogmas may not be so unquestionably applied. The word is "atypical." It is used to define those who are appreciably out of the normal or the typical in aptitude, and it is accompanied now in many communities by special educational provision to meet the special lack. The State of Ohio, for example, a few years ago made an appropriation for the special training of a single child of a peculiar abnormality. But in a sense we are all atypical. There is difference only in the degree of atypical divergence. The old Scotchman who said to his wife, "All the world is queer except me and thee and thee is a

Copyright, 1910, by THE NORTH AMERICAN REVIEW PUBLISHING COMPANY. All Rights Reserved.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bit queer" came near speaking a truth that has not, as a rule, been clearly recognized by those doctrinaires who assume to frame systems of education for great masses of undifferentiated beings; for "each one of us belongs to a thousand classes." Dante was much more discriminating in his punishment of lost souls than are many "educators" in their categories and curricula of instruction for the living souls. What has so strongly and widely appealed to men, in the Harvard elective system, is its recognition of the individual and his peculiar variations, fitnesses and ambitions. What has made it less than ideal is that it has within certain bounds permitted and encouraged this lack of normality, allowing him that is atypically lazy to be lazy still, and him that is atypically righteous to be righteous still. The compulsions of intellectual conformity to type have not been such as to cast either of these into the outer darkness of the atypical. So much we are permitted to infer from President Lowell's rather optimistic lament over the intellectual disintegration of college life.

That nearly every college of importance in this country has followed (many at a long distance) this Harvard theory into a practice of electivism more or less free must connote something more than the mere leadings of fashion, which is potent even in matters academic. It has been a pathetic sight to witness in the colleges heroically struggling under or against deficits—this slow adding of the newer and, for the most part, more expensive knowledges. But they could have gained admission into the old curricula only as electives, and so I am inclined to think that what Harvard has done in giving such generous hospitality to disciplines a quarter of a century ago unrecognized, has far more than compensated for the uncouthness of a few of the guests. This hospitality shown by the first of American colleges has given opportunity to establish in others the group system (of prescribed and elective subjects) now widely in vogue in many American colleges, and under President Lowell to obtain formally and fixedly at Harvard, as indeed it has prevailed informally, of student choice and professional advice, during all the years of elective freedom. I doubt if the curricula of our colleges would to-day include as many of these subjects as they now have if the elective system had not been operative in some great leading college. Nearly every "branch" in President Lowell's scheme is now to be found even in the smaller and more conservative col-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

leges. It is as if the great Chemist-President Eliot had gathered all the elements—all the disciplinary systematic knowledges, old and new — and tested their reactions upon the undergraduate mind, and that now his successor is to seek known and desired precipitates according to certain formulæ learned of these tests. Of course the undergraduate mind is still undetermined and indeterminate. Only a master who knows it collectively and individually is likely to select the most efficient series of reagents, the particular curricula that will procure the desired solution or precipitate; and he cannot always be certain. I stood beside a boy not long ago when he decided to take an ancient instead of a modern language as one of his major courses; and, realizing that this decision of a moment might change the whole course of his life, I felt the great responsibility of the adviser. Even if there is a divinity shaping the ends of these boys and young men, who come of their own desires or driven of others' to the gates of the curricula, still is there a responsibility resting upon the best judgment that can be procured for the "rough hewing" of these ends. And a conspicuous if not distinguishing feature of the new Harvard plans is that this judgment and its advice are to be assured wherever the student has electives to make.

The changes proposed at Harvard do not limit the electives. They are as rich and liberal as ever. The student under the new rule finds his major courses at least, predestined of his Freshman choice, under the providence of a committee that is instructed "to make exceptions freely in the case of earnest men who desire to make changes at a later time. . . ." The effect of this is to put a number of fairly rigid curricula (of many permutations) side by side for election in the Freshman year, each curriculum being vertebrate, with a prescribed number of vertebræ. This differs from the Johns Hopkins plan only in that it has more vertebrate curricula, and from the Princeton plan in that it requires an earlier election (at the end of the Freshman instead of Sophomore year, though the Princeton student's final and later choice is conditioned to some extent by his selection of Sophomore studies). It is interesting to learn that of a thousand Harvard graduates, 1908-09, twenty per cent. would have had to make no change at all, if obliged to choose according to the new system, a large percentage only the slightest change,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and fifty per cent. a change in but one or two courses. The restrictions touch only or chiefly the two extremes: the highly specialized scholars who concentrate too much and so become too narrow, and the highly specialized athletes who distribute too much and so make their knowledge shallow. The elective system, in becoming "really systematic," has seemingly not seriously restricted the franchise of the great body of students at Harvard. So has the elective subject system become crystallized, by a little shaking, into an elective group system, with the elimination of the extreme divergents or their conversion to group types.

Harvard has protected herself from a sequela of the free elective system which is menacing the integrity of the college degree in many of the great universities. There are powerfully organized agencies at work to standardize the entrance requirements of all colleges, and yet they seem to countenance the college student's leaving his liberal studies at the end of two or three years, taking up his professional or technical studies and getting his arts degree when he has finished these studies. Harvard University stands champion of the American college in substantially confining the professional schools to college graduates and confessedly "aiming at the higher strata in the professions." There is no more encouraging note in President Lowell's utterances than that which expresses the belief that "the college of the future has a great work to do for the American people"—a college which "can give freedom of thought, a breadth of outlook, a training for citizenship which neither the secondary nor the professional school in this country can give."

President Lowell's paternalistic or fraternalistic plans for the Freshmen are appealing. I have an impression that the social, economic and educational tendency is to prolong the period of mental and moral irresponsibility in youth. But no one who appreciates the perils of the sudden transition from school to college methods and ways can think of the interference here as the unwise coddling of a nourishing mother. Heine speaks of looking upon people as animated numerals. That is the danger of the other extreme, the treatment of a highly individualized character, intellect or soul as an "animated numeral." It will be most interesting to compare the advantages of a horizontal preceptorial system at Harvard with those of the perpendicular preceptorial system successfully in vogue at Princeton.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

I make this incursion into a neighbor's affairs with some reluctance. The college windows and transoms behind which I live have suffered most from the stones of kindly and not malicious ignorance. I have been persuaded to enter this symposium by a gratitude to President Eliot's service (which was prerequisite to the course academic opinion and practice are now following) and by my appreciation of President Lowell's attitude toward those who are "feeling their way toward a more definite structure" for the American college, and of his interest, first of all, in touching the visions of the young men of the college. His plans for his own College give support to his prophecy concerning the American college of the future.

JOHN H. FINLEY.

PRESIDENT LOWELL'S CHANGES.

THESE changes proposed, though on their face somewhat unrelated, do logically and unitedly concern one thing—the training of manhood, and by the two methods or forces of thinking and of personality. These changes, therefore, can be most effectively discussed in the light of general principles.

The primary intellectual purpose of the college is (1) to discover and to express truth and (2) to teach the student to think. With the second of these two purposes only have we now to do. To think: to see truth and truths, to relate truth to truth, to infer new truth, to judge, to weigh evidence, to compare, to assess a fact at a just value, to reason: that is to think. A secondary purpose of the college is to make the scholar. But it is not the purpose either primary, or secondary even, to create in the student a human cyclopædia of knowledge, nor a library of facts, be the facts never so important or interesting. To make the thinker is the comprehensive and fundamental aim.

It can be, I believe, laid down as a general law that the more extended the pursuit of a single course of study the greater is its worth in creating the thinker: and the less extended the pursuit of a course the smaller is its worth in creating the thinker. The elements of a subject make their first appeal to the memory. The young student must first learn facts. These elements do not and cannot quicken and enlarge thinking as do the advanced processes and relations. Therefore, the student who selects many and different subjects is inevitably and constantly obliged to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

devote himself to elements and to facts. He is not able to think upon the great truths which lie in the higher and remoter relations of any subject. To illustrate: Mr. A. B. of Harvard College is obliged to take some seventeen and one-half courses, of three hours each a week, in order to get a degree. Let Mr. A. B. divide these courses among a dozen or more different subjects: he may take a single course in Latin, which he has already studied in the fitting school, and a single course in mathematics, a subject in which also he brings some preparation, a course in French or German,—of one of which he probably knows something,—in Spanish, in Italian, in chemistry, in physics of manifold relations, in biology also of many divisions, in geology, in history, in economics, in philosophy, in psychology, in sociology, in English literature, in composition,—to name only the more common subjects. Now, no reasoning is required to prove that Mr. A. B., electing a single course in each of these many subjects, is obliged to be content with a knowledge the most superficial. Such a knowledge is a knowledge of the simplest facts and represents an acquaintance with relationships that are of the most general character. Mr. A. B. has gained some knowledge, but he has created for himself little or no power as a thinker. He has gained no sense of mastery. He has a bird's-eye view, and he has added to his brain just about the weight of the brain of a bird.

On the other hand, and to illustrate further: Let Mr. X. Y. elect his courses largely in two or three related subjects. Suppose they are constitutional history, philosophy and economics. In this case he is able to have four or five courses in each, though the division would not probably be equal. What is the method and what is the conclusion? In the constitutional history of the United States and of England he is obliged to enter into the consideration of the forces and motives which have created these two great and diverse methods of government. He is compelled to seek out tendencies, to judge of movements, to estimate results. In his study of economics he finds one of the most complex sets of phenomena which were ever given to the brain of man to analyze and to understand. If in his quest he seek to relate economic phenomena with governmental, as he naturally will seek to do, he will find material which will quicken or train keenest insight, delicate discernment and widest powers of induction.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

But now, furthermore, and in still continued illustration, suppose that our student, who is now Mr. C. D., does not elect his studies in three so broad subjects as constitutional history, philosophy and economics. Let Mr. C. D. elect his work in mathematical physics alone or in Latin only. What will be the natural consequence? The natural consequence will be that he will know a good deal about mathematical physics or about Latin: but he will not know much about himself. He will be able to think in terms of physics and of Latin, but his thinking will have largely for its content physics or Latin. He will not be able to think in terms of life and of what life represents. He will still think, but his thinking will be narrow. He thinks in *slits,* he sees the skies from ruts which he has cut out for himself and in which he is obliged to move.

Therefore, to what I said at the beginning, that the primary purpose of the college is to teach the student to think, should be added to think effectively. The resulting thinking should be deep without being narrow, broad without being superficial, accurate without being cold or unhuman, appreciative of all without being open to the charge of intellectual dissipation.

The question may emerge, What is the test of the condition when breadth of thinking passes over into dissipation, when depth of thinking becomes narrowness of thinking? The problem is critical. The test, I believe, lies at just this simple point: where thinking loses its human relationship and becomes of primary interest to itself, when it ceases to be humanistic and becomes technical. When Mr. C. D. in Harvard College, or any man in any college, finds that his studies are making him think in terms of mathematics, or in terms of chemistry, or in terms of economics, the time of his peril has come. He better avoid the peril of dehumanizing himself by electing philosophy in place of mathematics, sociology in place of chemistry and Elizabethan literature instead of economics.

It may be added, in bringing to a close this part of the discussion, that this endeavor of President Lowell to avoid at once the perils of intellectual scattering and of intellectual narrowness is an endeavor which has in many colleges been essentially avoided in one of two ways: by obliging students to take a group of related subjects, while allowing certain liberty in free electives; or, by requiring students, while permitting a large liberty of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

choice, to take a few courses in certain recognized fields of knowledge. Harvard College has done a great work for all colleges in the last forty years in presenting and promoting the free elective system. Some of these colleges, which have never seen fit fully to adopt this system, may now be able to serve the cause of liberal education by showing the methods and by explaining the principles upon which they have been acting in teaching man to think. The new method proposed at Harvard is essentially old at many good and strong colleges.

The question of the segregation of the Freshman is not far remote from the question of a certain limitation of the elective system. For both matters are only methods for the training and enriching of character. In both, too, personality is a force used, although it is used more dominantly in the life which separate Freshman dormitories are designed to foster.

The most critical year of the four college years is the Freshman. It is made critical by the youth of the men, by their responsiveness to whatever is offered, by the newness of conditions, by the lack of friendships, by the want of certain standards, and the lack of certain supports of intellectual and moral character. Most of these Freshmen are for the first time absent from their homes. The majority have come from the high schools of their towns or cities. Relatively few have come from such collegiate schools as Exeter or Andover or from what may be called the cloister schools. Those who are graduates of the collegiate Phillips Academies are not new men in any such sense as are the men who come from the high schools of their own home towns. These new men need—what? They need a home. And what is a home to these new men? It is primarily friendship: friendship sane, wholesome, quickening.

Such friendship may be furnished in one or all of at least three ways. It may be provided by upper classmen. The upper classmen represent an influence for and in the college over the Freshman of incalculable value. It is an influence which those upper classmen have not fully used, and of the potency of which they themselves seldom have a just appreciation. The college authorities, too, have not promoted its usefulness. It is a great reservoir of noble influence for the new men. A second source lies in the fraternity. At Harvard College the fraternity system is not developed as at most colleges. Perhaps it is just as

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

well that it is not so fully organized. But in most colleges the fraternity house is a home to Freshmen, and the members of the fraternity are their brethren. The secret-society system has ceased, the fraternity system has come in; and the change in fact is not less significant than the change in name.

A third source of influence for and over the Freshmen, and one which would normally have much worth for the Freshmen of Harvard College, is found in the presence of proctors, or advisers, or monitors, who lodge and live in each dormitory. Such resident officers are supposed to be friends to each Freshman living in his hall or on his stairway. But here is the rub, the point of difficulty, in any segregation of Freshmen. Stone walls will not defend Freshmen from intellectual or moral disintegration; a friend may. To get friends of the desired character for these Freshmen represents the most serious,—and its seriousness cannot be overestimated,—part of the large and complex problem. To get men of the type which Arnold wanted as his teachers at Rugby, of the type which Mr. Robert wanted forty years ago for his international college at Constantinople, has been, is and I suppose always will be a mighty struggle. Men whose intellects are large and rich, but whose hearts are neither gushing nor cold, men who are able to differentiate between a principle and a minor rule, men who have a conscience but who are not obstinately conscientious, men whose love for truth does not cause them to lose their love for boys, men who are great and strong in character, but who also are sympathetic, men who are a proper combination of both the mother and the father: such men it will be gravely difficult to secure. But such men put at the head of dormitories for Freshmen, with not over a dozen students under the care of each, would represent a mighty increase in the best influences of Harvard College, or of any other college, that seeks to transmute noble youth into noble men.

CHARLES F. THWING.

THE CARE AND CULTURE OF FRESHMEN.

IT is generally recognized that the most pressing problem of higher education in America to-day is the care of the under classman, the Freshman, and the Sophomores. We have been made acutely aware of our deficiencies, real and imaginary, in the matter of scientific research, and a great effort has been made to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

remedy our defects in this regard, or to conceal them, which, to some minds, is equally satisfactory. The young instructor has been urged to place as many printed pages as possible to his credit, and in doing so has been encouraged to look with scorn on the "mere teacher" who cares for the intellectual welfare of the students without making himself "known in Germany." In so far as this movement was earnest, a real desire to promote scholarship and to encourage zealous men to do their part to widen the boundaries of knowledge, it was a movement thoroughly good; but in so far as it tended to encourage pretence, publication for publication's sake, and to discourage good teaching in colleges, it has been rightly discredited, and a reaction has already set in. In any event, we must recognize that all scholars must pass through a larval stage, and that research students and advanced students of all types must, at some time, have been Freshmen. On the excellence of their Freshmen training their superstructure of higher work must, in large part, depend.

It is, moreover, becoming recognized that the whole question of the training of the lower classmen depends on personal attention. We cannot expect individual development from "students herded like sheep on an Australian farm." It is necessary for some one to "know each one by name," to recognize his individuality, and to visualize his possibilities.

The "care and culture" of Freshmen naturally divides itself into two elements, training in personal habits and training in scholarship. Training in personal habits must be effected by some positive method, requiring action and vigilance. There is no way of obtaining results without effort. The German system of "laissez faire" in University discipline, each student to do as he pleases, and no questions asked, will not suffice in America. Our students enter the University two years lower than in Germany, as measured by scholastic requirements, and their previous training is not that of the iron drill of the gymnasium. The system of "laissez faire" does not work well in Germany, where there is already a strong movement towards moral discipline in the Universities. The wanton waste of life and character in these institutions has been simply horrifying. Bismarck is quoted as saying that, of the German University students, "one-third drink themselves to death, one-third die of overwork, the others govern Europe."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In brief, the college must furnish its lower classmen with advisers of some kind, men who come near the students, men whom the students can trust, and who, at the same time, are in touch with the highest ideals the University teachers represent. Half the weakness and folly of college students comes from their not knowing any better. If they knew where their professors stood in moral questions, they would tend to stand with them. Hence the importance, for the sake of morals, that the teachers should know the students, and that they should feel personal responsibility for them.

This is, of course, not that the professors have something to learn from the student or the student point of view. They do learn from this sometimes; but the main thing is that students should know the professors' point of view. If they have a chance to find out what it is, they will soon come to respect it.

The professors cannot be police officers, nor employ police methods. This goes without saying. It is necessary, on the other hand, that they should stand strongly against the student vices, against cheating, gambling, dishonest behavior, yellow journalism, and all forms of alcoholic conviviality. Whatever one's views as to beer and wine may be, there is no question that the lighter alcoholics are the curse of college life. Their use to promote good fellowship among students is most fatal to everything which should be characteristic of University training. From the "beer-bust" of the College to the red-light district of the town, the way is short and straight, and thousands of young men find themselves ruined for life from a single night of excesses.

The College fraternity and its chapter-house constitute an agency which may be used for good, a means of civilization with which college faculties should co-operate. But most college faculties "fight shy" of these organizations, letting them take their own courses uncontrolled, because to direct them aright is a matter requiring tact and effort. For that reason, many chapter-houses, East and West, are centres of corrosion, of idleness, drunkenness, and worse. The whole fraternity system is in bad repute, because of its abuses; and for these abuses the apathy of college faculties is wholly responsible. The entire matter is under the control of the colleges. In these matters, as in the abuses of athletics, our college authorities assume a curiously detached attitude, as though these were evils of the age beyond their power of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

abatement. Yet they have all the authority there is. There is no evil in college life which is not there through the negligence of those who occupy the place of control.

It does not matter in these cases what rank the advisers of the Freshmen may hold, so long as they are adequate for their task, so long as they have faith in their own teachings, and the courage, tact and sympathy necessary to make their efforts effective.

The details in the case are of minor consequence. In Harvard, it is proposed to segregate the Freshmen, that they may be trained by themselves, without the disturbing influence of the upper classmen. In other institutions, the Freshmen are more or less purposely mixed with the upper classmen in order that the latter may help them by their wider experience, and that this responsibility may react by giving the upper classmen themselves more serious views of college opportunities. Mere segregation of the Freshmen has no special value in itself. If Freshmen and Sophomores could be given a group of detached buildings in some suburb not too far away, at Andover, let us say, while the University is at Cambridge, it would be a most interesting experiment. In such case the equipment of books and apparatus might be scanty. The real test would be in the selection of these teachers. These should be not newly fledged doctors of philosophy, but men with whom the training of youth is a chosen life-work. In such a segregation of class room and dormitory, and a standing apart from the crowd, there would be many elements of advantage; but to the brightest students there would be disadvantages as well. Such men look forward beyond the day, and the libraries and laboratories of a great University may be an inspiration even to a Freshman. Men work better when they see a goal ahead. Besides all this, all class emphasis of the colleges is laid in the wrong place. We have already too much of class spirit, class loyalty, and the friendships and enmities which have only an imaginary basis.

Whatever the system of handling Freshmen, there should be an evident purpose behind it, and this purpose should be a moral one. There should be a constant effort for the repression and extirpation of vice, and the reason should be made clear that vice is destructive to manhood. It is an incentive to manliness for a boy to see that the college values manhood. It adds to his respect for higher education to see that his teachers are not cowards, but

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that they are ready to set themselves squarely against abuses in student life, whatever the pressure of tradition or sentiment.

The question of scholarship hinges likewise on personal attention. If the teachers do not seem to care, the habit of carelessness will grow among students. In our college curriculum in the past thirty years, we have seen about four distinct stages. The first is the classical stage, when each student was supposed to become, in a degree, a specialist in Latin and Greek, with a dash of higher mathematics for mental strengthening, and a little of outworn philosophy to give him a proper attitude towards life. The course was based on a consistent theory—that of the literary value of Greek, which deserves every good thing ever said in its favor—that of the practical and disciplinary value of Latin and Calculus, which was more or less exaggerated. The general idea was that no other combination was quite the equal of this for bringing out the intellectual possibilities of the growing student.

All this was prescribed work, the student taking what was before him and asking no questions. The great body of young men passed by on the other side, entering on life without college training, and became self-made men.

The second condition I have called the patchwork stage. The progress of science demanded attention in our scheme of higher education; and not one science, but a dozen. The modern languages have each a literature demanding the attention of the scholar, while each in turn was insistent as a necessary tool in every learned profession. Economics arose from the position of a discredited branch of philosophy to be a curriculum by itself, and the aggregate demand of all these broke down the discipline of the classical régime. One subject after another from the modern list was inserted, crowding out a corresponding portion of the ancient discipline. Greek, the most valuable part of it, was first to go, while Latin and Mathematics were condensed into smaller and smaller space.

Then different courses of prescribed study took the place of the single course. The omission of Greek, by a singular freak of nomenclature, stamped the course as one in Philosophy. The omission of Latin marked a course in Science, and then, to intensify our troubles, arose the need for courses in Engineering, and these, too, culminated in the degree of Bachelor of Science.

The failure of the patchwork system was speedily evident. It is

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

not possible for a student to know much of anything when he is required to know a little of everything else. The thorough knowledge of something is the backbone of education. To know some one thing well, it does not matter so much what it is, is to gain self-respect. It gives a base-line by which one can measure the attainments of others. It helps us to "know a good man when we see him," which William James has declared to be one of the greatest aims of higher education. Sound knowledge of any kind preserves its possessor alike from assertive vanity and from limp humility. Moreover, no prescribed course of general culture was found possible. No educational leader, still less no consensus of educational philosophers, could decide what subjects would bring culture to men they had never seen.

A prescribed course in Engineering, or in any field in which one subject follows another, and each is dependent on the preceding, has the respect of the student. He can see the causes which control, and he can see the end to which the work leads. No one complains of prescribed courses, when the relation of subjects to the final end makes the prescription natural and inevitable. No medical student complains because Anatomy, Physiology, Chemistry, Pharmacology and Bacteriology are prescribed. No student in German Literature complains that the grammar comes before Faust or Nathan der Weise. A prescribed course, where the parts are not inevitably interrelated, is an outgrowth of educational laziness and apathy. It is the acme of neglect, and whatever else we may do in the way of educational reform, we shall not return to prescribed courses of general culture.

The natural breakdown of the patchwork system made the elective system inevitable. There was so much to be learned that some one must choose which to take and which to omit. The right choice was the one associated with the personality of the student. The task of choosing is of itself an education, and as more depends on the teacher than on the subject, the student, after all, is the one to decide. It is for his interest to seek the most helpful subjects, to find the most helpful teachers.

And with the elective system established in whole and in part, the Universities and Colleges grew by leaps and bounds. Enthusiasm came back to the class-room, teachers improved as well as scholars, and the Universities found themselves as in a single night strong, popular, and populous.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

And with those who wanted a college education, and wanted the best, and having Lernfreiheit, found what they wanted, came those who wanted nothing but sport, social prestige and access to the University Clubs. As the strong men used their freedom to their own advantages, so the idlers and "the tender rich" used the elective system to secure the name of education without its substance. The gigantic cancer of the professional coaching system grew up in the great college to help this condition along. It was an evil of the elective system, that men could use the system to avoid its function. Yet, as President Angell has pointed out, no system ever made effective the college career of idle and dissolute men. They got but little out of the elective system. They would have got as little out of any other. The remedy lies not in the change of the system, but in getting rid of this type of men, and of the coaching system which makes their continued existence in college possible.

But there is room for improvement in the elective system, and that lies in the direction of personal sympathy and personal advice. No educational advancement comes from forbidding a man to do work he wants to do. The right direction of control is to lead a man to take what he ought to want, and the first thing he ought to want is a definite line of operation. He wants a vertebral column to his education. He should choose his specialty early, and then build up his training to this specialty and around it. He should master the group to which it belongs, and he should master other and perhaps distant groups if these are needed for his final effectiveness.

In this, he needs advice, and his adviser should not be taken by chance, but should be some man who has succeeded where he hopes to succeed.

The new system at Harvard is a useful aid to the elective system, not a check to it, for checking never aids scholarship, but a feature of strengthening guidance. The student is led, not driven, to choose his field, to block out his course and to move forward to his chosen end.

The life-work of the student is chosen under advice, and this is the strong point of this system. To offer prescribed courses is simply to abandon control to tradition. To allow absolutely free election is to leave the student to his own devices. An elective course, taken under constant advice and supervision, enables

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the teacher to enter actively into the student's life. Its value depends on the seriousness and intelligence the adviser displays.

The writer does not think well of the system of student advisers (locally known as "nurses") in vogue at Harvard. This staff is composed, as I understand it, of young instructors, among whom the Freshmen are distributed alphabetically or in some other arbitrary fashion. The adviser should be a man whose aspirations are in line with those of the student, but more far-reaching. A young chemist needs an older chemist as his adviser, not a student of Italian art or Scandinavian poetry. Moreover, it is questionable whether the general management of a committee of professors is as effective as the system of holding each of the different departments responsible for its own.

In Stanford we have reached the ends sought at Harvard by machinery a little different. We think our way, on the whole, the better, else we should have taken some other, being free to choose. Ours is known as the Major Professor System. Each student on matriculation chooses his "major subject" or department. The professor in this subject or some other member of the staff, as the work is divided, becomes his adviser in all educational matters. The adviser of the chemist is a professor of Chemistry; of a Latin major, a professor of Latin. A certain percentage of the work for graduation, usually about one-third, is taken in this major subject, or in closely related subjects, to be indicated to each student individually on learning his powers and his tastes. Other subjects collateral, or even remote, may be required at the professor's discretion. In general, however, the work is freely elective, but each term's study card must bear the professor's approval. The student can change his major subject at any time, but must then make up the back work in the new department chosen. This scheme makes the professor an active factor in the education of the student. Its success is in proportion to the thought the professor gives to it. It ensures continuity of purpose without losing any of the desirable flexibility of the elective system. It has been in operation at Stanford University for nineteen years; and still longer in Indiana University and elsewhere. In some form, the system which makes a major professor the student's adviser seems to me to form the most practicable and most desirable adjunct of the elective system.

DAVID STARR JORDAN.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE POST-OFFICE AS A DEPOSITORY FOR SAVINGS.

BY HON. THOMAS H. CARTER, UNITED STATES SENATOR FROM MONTANA.

ABOUT the year 1807 an agitation for the establishment of postal savings-banks began to interest the people of Great Britain. This agitation was continued until, under the leadership of Mr. Gladstone, the postal savings system was established by Act of Parliament in the year 1861. Throughout the fifty-four years of discussion British bankers and masters of finance resisted the postal savings-bank for substantially the same reasons which have been urged against the adoption of a like system in this country. However, the postal savings system operated in such a satisfactory manner in the United Kingdom that it was in due time adopted by France, Austro-Hungary, Italy, Sweden, Russia, Belgium, the Netherlands and the colonies and dependencies of such of these countries as have possessions beyond the confines of the parent state. Chile is experimenting with the system and Brazil has recently enacted a postal savings law.

No backward step on postal savings has ever been taken in any of the countries named. After the lapse of twenty-seven years, Mr. Gladstone, the promoter of the legislation in the British Parliament, made the following statement in the House of Commons in the year 1888:

"The post-office savings-bank is the most important institution which has been created in the last fifty years for the welfare of the people and the State. I consider the Act of 1861 which called the institution into existence as the most useful and fruitful of my long career."

The system has operated successfully in countries of limited area and dense population and in countries, such as Russia and Canada, of extensive territorial area and sparse settlement. It

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

has operated successfully under all forms of government and under all conditions, climatic, territorial and otherwise known to men. Notwithstanding the overwhelming proof of success afforded by accumulated and varied experience, the effort to establish this system in the United States has met with very determined opposition. It is conceded on all hands that the tendency of the system is to encourage thrift and a saving disposition amongst people of small means; and every one admits and no one denies that it is the interest of the people and the interest of the Government to foster and develop such habits. Much of the opposition proceeds from ignorance of the subject, mistaken self-interest and wide-spread misrepresentation. Many volumes could be filled with statements of the grotesque reasons assigned for inaction or to justify hostility. The American Bankers' Association, for instance, sent out a typewritten circular a short time ago averring that it was unwise to establish the postal savings system in this country, because it would lead to the development of bands of robbers in the South and West having the robbery of the post-offices as their objective.

A person of high station made a calculation showing the enormous investment in burglar-proof safes which would be made necessary by the establishment of postal savings depositories. Absurd estimates of the amount of money likely to be deposited at the post-offices have been put forth with apparent seriousness. One individual concluded that nine billions of dollars in cash would be deposited in the post-offices, or three times the total coin and currency in circulation throughout the United States.

It was in the presence of opposition based on just such weird imaginings and fancies that the Senate of the United States considered the postal depository bill for over seventy days during the Sixtieth Congress and for the last sixty days of the present Congress. Let no one suppose that every legitimate objection to the postal savings system was not presented with zeal and ability in the course of the debate; and yet, after full and free consideration, the Senate by more than two-thirds majority passed the Act which is now awaiting consideration in the House of Representatives.

Since a copy of the Act may not be possessed by every reader, it seems proper briefly to outline the important features of the measure. To begin with, the Act provides for the establishment

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of a postal savings system, to be under the management and control of a board of trustees consisting of the Secretary of the Treasury, the Postmaster-General and the Attorney-General acting *ex officio*. This board is authorized to make all needful rules and regulations for carrying out the provisions of the Act in reference to the receipt, transmission, custody, investment and repayment of moneys received at postal savings depositories. Each money-order office in the United States is made a postal savings depository subject to the proviso that in the beginning the Postmaster-General may restrict the depositories to the so-called "Presidential" offices, about 7,500 in number, and thereafter extend the system as rapidly as practicable to all remaining money-order offices, approximating 43,000 in number. When finally installed the system will be operated in over 50,000 money-order post-offices.

Any person of the age of ten years or over may become a depositor, but no person shall be allowed to deposit more than one hundred dollars in any one calendar month nor more than five hundred dollars in the aggregate, nor will any person be permitted to have more than one postal savings account.

Deposits must be made in sums of one dollar or multiples thereof, but smaller sums can be saved through a card-and-stamp system which will allow accumulations up to one dollar, when the card and stamps thereto attached can be presented at the post-office for deposit. Interest will be paid on deposits at the rate of two per cent. per annum, and deposits may be withdrawn on demand, subject to such rules and regulations as the board of trustees may prescribe.

Up to this point no serious controversy was encountered by those urging the passage of the bill. With the desirability of affording people of small means an opportunity to accumulate with the assurance that their savings would be absolutely secure and available when needed, no one has been found to take issue. That the wide-spread facilities afforded by the post-offices will reach closer to the people than any other system could be made to reach no one denies. That the opportunity to save with a Government guarantee of repayment would, through this system, be extended to the remotest parts of the country to the great benefit of thousands, yea millions, of people who are now without any inducement to husband their earnings is too apparent to be

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

called into question. The aggregate amount which ultimately would accumulate in the depositories is a matter of pure speculation. In the United Kingdom the postal savings total over seven hundred million dollars, and the average amount to the credit of each depositor is about seventy dollars. But it must be remembered that the British Post-Office Savings-Bank has been in operation for forty-nine years. Its growth has been healthy and continuous, and there have been no violent fluctuations of any kind. Established in 1861, the total balance due depositors at the end of 1862 was slightly less than nine million dollars. From 1863 to 1868 the average balance was thirty-five million dollars; from 1869 to 1874 it was ninety million dollars; from 1875 to 1880 it was one hundred and forty-five million dollars; from 1881 to 1885 it was two hundred and ten million dollars; from 1886 to 1890 it was two hundred and ninety-five million dollars; from 1891 to 1894 it was three hundred and ninety-five million dollars. The increase has continued in substantially the same ratio until at the end of 1908 the total savings of depositors was $781,791,533. It is reasonable to assume that after the lapse of many years the deposits in this country would equal if not exceed those of the United Kingdom.

The manner of disposing of the money thus accumulated has always been the chief source of contention in and out of Congress. Other Governments, as a rule, use the postal savings funds for the payment of current expenses or for investment in consols, bonds or other securities of the Government. The use of our bonded indebtedness as security for national bank circulation leaves this line of investment too circumscribed, and, moreover, it has been forcibly contended, and with reason, that, owing to our vast territorial extent, great hardship and inconvenience would follow the process of draining each community of the ready cash which would be placed on deposit at the post-offices. It is equally clear that the deposit of these funds in central reserve cities would be undesirable for the reason stated. To meet this objection, the Act provides that postal savings funds shall be deposited in any solvent bank or banks organized under national or State law and subject to public inspection and examination doing business in the neighborhood in which the post-office is situated. These banks must be not only solvent, but must give indemnity bonds or collateral security satisfactory to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the trustees. If more than one such bank willing to accept this money exists in a town or city the funds shall be deposited ratably as nearly as practicable. These deposits in the banks shall be subject to payment on demand and interest must be paid upon them by the banks at a rate not less than two and one-quarter per cent. per annum. Should the banks in any State or Territory refuse to receive the deposits on the terms and subject to the conditions prescribed, the same may be deposited with the Treasurer of the United States, who is made the treasurer of the board, and money so deposited may be invested in bonds or other securities of the United States. In time of war or other exigency involving the credit of the Government the board may withdraw all or any part of the funds from the banks for investment in bonds or other securities of the United States bearing not less than two and one-quarter per cent. interest per annum.

All penal statutes enacted to protect postal funds and money-order funds are made applicable to savings-bank deposits. The Act is to go into effect the first day of the third calendar month after its approval. There are many administrative details provided for which it is needless here to recapitulate. The fundamental features of the Act are substantially as set forth.

It will be perceived that the financial equilibrium cannot be in any sense disturbed by the operation of this system. Every locality will not only have all the ready money usually available for commercial transactions, but it is confidently believed that a large number of small sums aggregating a very considerable amount of money which is now in hiding will be brought forth and placed in the channels of trade. Many people who have no confidence in banks have the most implicit faith in the Government and will readily intrust their savings to its care. Of the three billions of coin and currency composing the money circulation of the United States, it is estimated that one billion dollars is constantly in hiding, and in times of panic or financial disturbance the proportion of idle money is even greater.

The most extravagant claims have been made as to the additional expense which it is predicted will be "saddled upon" the postal service by the postal depository system. One who claims to be an authority has said that a bookkeeper at $900 per annum would be needed at each of 50,000 post-offices the moment the Act went into effect. By a simple arithmetical process it is

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

seen that this would mean an additional expenditure of $45,000,000. The absurdity of this estimate is shown by comparison with the establishment of the system in Great Britain. The work was there commenced with the detail of a few clerks from other divisions, and after the system had been completely established it was found that only seventy additional employees were required to conduct the business. Extra men are needed for a brief time each year for the computation of interest, but that extra work could be taken care of readily by temporary details of the clerical force. It has been alleged that the present force of the Post-Office Department and the post-offices of the country would not be competent to transact postal savings-bank business. This assumption is readily disposed of by reference to the fact that the postmasters and clerks in post-offices now handle over $500,000,000 of money-order cash each year, and in addition thereto more than $200,000,000 of regular postal receipts, to say nothing of the large disbursements made. The institution proposed by the pending Act will only entail the simplest kind of cash transactions. The postmasters will receive deposits, receipt for the same and deposit the aggregate receipts each day in bank. Applications for repayments will, of course, be filed with postmasters, to be transmitted to the central accounting offices, where the books will be kept and where checks will be drawn on the local banks to pay depositors.

To the charge that the proposed system would be paternalistic, it is quite sufficient to answer that the whole postal service is in the same sense paternalistic. Post-offices and post-roads are established and maintained under constitutional authority for the benefit and convenience of the people. The registry system and the money-order system but extend the beneficent purposes of the service, and the postal depositories will embody only a further extension, which will prove of incalculable benefit to the body of the people for whom our Government exists. In no accurate sense can the proposed depositories be considered an invasion of the field of commercial banking. It is true that the Government will receive deposits at the post-offices and will jealously guard and promptly repay such deposits on demand, but the system will not embody any of the general features of a regular banking business, such as discounting paper, issuing bills of exchange, or other forms of accommodation to which the facilities

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of commercial banks are devoted. Far from being a menace to our banking system, the postal depositories will tend to give greater stability to the financial operations of the people by insuring the constant use of all our coin and currency in the service of the business of every locality. The frequently recurring money panics from which we have suffered from the beginning have been more destructive than the wars in which we have been engaged. The financial disorders which have resulted in panics from time to time have been born of fear and distrust. On the approach of danger or disturbance the timid now withdraw deposits from the banks and the money goes into hiding. The experience of the past in this particular will be repeated in the future until we provide some depository in which the vast army of wage-earners and others of small means have absolute and abiding confidence. When the postal depositories are made available, persons whose confidence in the banks is shaken may withdraw their deposits and these deposits will be immediately turned over to the postmasters rather than, as heretofore, rendered useless and insecure in hiding-places. The postmasters in turn will, under the law, promptly deposit the money thus received in the banks. It follows, therefore, that the postal savings system will be a powerful agency working most efficiently to preserve the equilibrium in time of financial disturbance.

Finally, this system will beget interest in and devotion to the Government. It will develop patriotism and increase respect for law and order, and it will extend to the masses of the American people the benefits of a system which has proven a blessing to the people of every country in which it has been established.

THOMAS H. CARTER.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE POSTAL SAVINGS-BANK—A SUGGESTION.

BY HAROLD STONE.

THE Postal Savings-Bank Bill has been passed by the Senate as an attempt to satisfy a recognized need for increased savings-bank facilities. It is the purpose of the writer to show the importance and character of savings-banks as now established, the advantages and disadvantages of the proposed postal system and to suggest another plan that might be substituted for the one now under consideration by Congress.

The need of the individual for a safe place for his valuables was recognized long before money was used as a medium of exchange. It was not, however, until the value and earning capacity of money as a commodity were recognized that banks were established. In the year 1810 the Parish Bank of Ruthwell was started in Scotland by the Reverend Henry Duncan. This was organized for the purpose of encouraging thrift among the residents of the parish. It undertook to receive and pay interest on deposits of wage-earners, servants and others, accepted deposits of almost trivial amounts and proved to be quite successful. It was purely a benevolent institution and all money received was paid back to the depositors together with its proportionate share of the earnings. The Ruthwell Bank was probably the first savings institution formed in an English-speaking country, although prior to its formation an English clergyman had received deposits every Sunday evening during the summer and repaid them at Christmas with an additional amount given as a premium for the thrift shown by the parishioners. The clergy played a most important part in the early history of these institutions, both in England and in this country, which perhaps proves that the depositor considers honesty more important than business ability.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In this country the first savings institutions were formed in Pennsylvania, Massachusetts and New York in 1816. The moving cause for the formation of these banks and of all the subsequent ones that have proven successful was an aroused public spirit desirous of encouraging thrift among the poorer classes. They are designed to meet the requirements of the man who has a small remainder after what he has been obliged to expend for the maintenance of himself or family. This type of man has not usually the knowledge or the opportunity to invest his surplus safely, and even if he did acquire the knowledge his amount would be so small that he could accomplish little. It is the purpose of the savings-bank to combine these small amounts, to safely invest them, to divide the interest earned on the combined amount proportionately among the owners. There is probably no class of persons in the world who are as careful of their money as those for whom these banks are organized. A hundred years ago the parish clergyman could ask for deposits and get them because he was personally known to each depositor, but now with our complex life this is out of the question and it is necessary to find a substitute. This has been done, or attempted, by the various State Governments, and has proved successful in direct proportion to the strictness of the laws made to protect the depositor.

It would not be profitable to analyze the laws of the various States in an article of this character. They differ in a great many particulars, but in a general way the laws of the State of New York fairly typify those of other commonwealths. In this State no individual is permitted to draw interest on a deposit in excess of $3,000, so that the depositors are practically limited to persons of moderate means. The banks are managed by trustees who serve without compensation and are not permitted to borrow directly or indirectly from the funds of the bank and are not allowed to share in any of its profits. Furthermore, the original trustees have to be of a character satisfactory to the Superintendent of Banks, and the Board is self-perpetuating. No one who has taken advantage of any insolvency act or who has permitted a judgment to remain unsatisfied for more than three months is qualified to act. The trustees are required to regulate the rate of interest paid upon deposits in such a manner that the depositors shall receive as nearly as may be all the profits after deducting

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

necessary expenses, but they are permitted to accumulate a surplus to guard against possible losses. If the surplus exceeds an amount equal to fifteen per cent. of the deposits the excess must be distributed to the depositors. From this it will be seen that the trustees have every inducement for safe and conservative management, and the temptation of personal profit is entirely lacking. This is the assurance given of the honesty of the clergymen of the early times.

The matter of the investment of deposits is equally well guarded. In a general way the investments are limited to Government or municipal bonds, real-estate mortgages and certain railroad bonds. Such banks cannot discount paper, loan on collateral, furnish money for manufacturing or other enterprises or take any of the ordinary business risks. The deposits are considered strictly as trust funds and all investments must measure up to certain fixed standards. Only a certain proportion of the funds may be invested in any one class of securities. The trustees are required to invest all moneys deposited as soon as practicable, but for the purpose of meeting current payments and expenses in excess of receipts they may keep an available fund not exceeding ten per cent. of the deposits on hand or on deposit in any bank in the State. The amount so permitted to be deposited is limited in proportion to the capital and surplus of any such bank. Moreover, savings-bank deposits in any State banking institution are given a preference over other deposits in case of insolvency. The deposits in the savings-banks are protected from any sudden large withdrawals or "runs" by the privilege of demanding notice in advance of any or all withdrawals.

To the honesty of the early-time clergymen we now have in addition the element of careful investments. The combination seems to have given to the public what it requires and has led to the formation of successful savings-banks. These banks have encouraged thrift and prosperity among people of moderate means and have accumulated vast sums that are themselves of great benefit to the public, as under the laws governing their investment they must perforce be used to build up and maintain the welfare of the various communities.

Thus we come to one other function of savings-banks that has become almost as important as the service they render to the depositors. That is the service rendered to borrowers. In the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Eastern States thousands of persons have become landowners and home-builders solely because of the mortgage loans obtainable from these institutions.

In all places that they reach not only is thrift encouraged, but men become taxpayers, and as landowners vitally interested in the welfare of the community. Many are the public schools and other public improvements that look to the near-by savings-banks for their financing. The assistance given to the railroads and to the municipalities outside of the local field is important, but the principle of using the money at home is so strongly intrenched in most banks that such securities are only bought when the local demand does not equal the supply of available money. This custom of supplying home requirements has helped their popularity wonderfully and contributed much to their success.

There have been something over six hundred such banks established in the United States and they are uniformly well supported. Of this number four hundred and sixty-two are in the four Eastern States of New York, Massachusetts, Connecticut and Maine. Their importance in these States may be gauged from the fact that there is not enough money in circulation in the whole country to repay their depositors. There is not enough gold coin in the country by over $150,000,000 to pay off the depositors in the one City of New York. The average deposit in Massachusetts is over $360. If the deposits in the State of Connecticut were divided among its population every man, woman and child would receive over $250. In the State of Maine one person out of every three of the population is a savings-bank depositor.

The success of the savings-banks in these States shows clearly that there is a need for them in the East. In the Southern States there is only one mutual savings-bank. It has about five thousand depositors. In the Middle Western States there are twenty-one composed of 224,000 depositors. There is none in the Western States and only one in the Pacific States, which has nearly 76,000 depositors.

This need of the people has been recognized, and it is proposed to satisfy it by enacting the Postal Savings-Bank Bill. Will the provisions of this bill meet it satisfactorily? The important features of the bill are that the post-offices throughout the country are authorized to receive deposits of savings and that the Government will guarantee to repay them to the depositors together

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with interest at the rate of two per cent. a year. The accumulated deposits may be deposited in the neighboring national banks, in which event the national banks are to pay interest at a rate not less than two and one-fourth per cent. and are to guarantee the repayment either by satisfactory collateral or by a bond of indemnity. In addition the deposits are given a preference over other deposits in case of the insolvency of the national banks. In case the funds are not thus deposited they are to be placed with the Treasurer of the United States and invested in specified securities under the direction of a committee which it is proposed shall consist of the Secretary of the Treasury, the Attorney-General and the Postmaster-General.

The bill provides that no one can deposit a larger sum than five hundred dollars, the purpose being to limit the system for the use of wage-earners and persons of small means, and this feature, coupled with the low interest rate, it is expected will do away with any competition with the existing savings-banks. In its progress so far the bill seems to have met with objections and unfavorable comment not only in Congress, but among many prominent men and intelligent bankers. It is a surprising fact that practically all of the objections are limited to the particular kind of plan at present proposed rather than to the general proposal of establishing some savings-bank system. There is no question that the ability to make use of the thousands of post-offices already organized would hasten the development of any savings system, and this feature of the bill seems to be accepted as one of its strongest and least objectionable parts. The main criticism of this part of the bill seems to be that the loss of money in the post-office business each year is a warning that the Government cannot run any business economically. This may be true as to the post-office business, and it may also be true that in the long run the Government could not collect savings so well as a private organization. In the inception of the plan, however, it is hard to see how any other system could be so successful.

The feature of guaranteeing the deposits does not seem to be so free from objection. Aside from a serious question of constitutionality involved, it would seem an unnecessary burden to place on the nation, especially in view of the fact that similar institutions have proved successful without any such guarantee. The Government should throw every safeguard about the funds

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

collected and should perhaps guarantee good faith in the same manner as any other business organization would do, but further than this it should not go. It does not seem right that the rest of the nation should become liable for any possible loss sustained by the bank depositor unless the Government is at fault in some such way as would make an individual conducting the same kind of business liable. The bill fixes the rate of interest to be paid at two per cent. It is probably right that the rate should be the same for the entire country if the Government is conducting the business, for it would seem that the sovereign power should treat all its citizens alike. If any rate has to be fixed, two per cent. is probably as good as any other. The idea of a fixed rate, however, seems to violate the fundamental idea of a savings institution, namely, that the depositor should receive all his money earned, less the necessary expense of investment. In the East the depositor's money may not earn much over two per cent., but how about the South and West? In the New England States the average interest rate paid by national banks is 2.66 per cent. In the Western States it is 3.69 per cent., and the rate in the South is but little lower than that of the West. The West and the South are the portions of the country most in need of savings-banks. Is two per cent. a fair rate to pay their depositors?

Assuming that these objections can be overcome and granting that the Government has the most satisfactory means for collecting the deposits, the question of their investment remains. The plan to redeposit with the local discount banks is an attempt to keep the funds at home and is thus an attractive element, but would the attempt be successful? These banks are organized primarily for personal profit, and as the management will use the money in whatever part of the country it will bring the largest return a large portion is bound to find its way to the money centres of the country. It would undoubtedly be a great benefit to these banks and would through them probably help local business enterprises to some extent, but it is hard to see where the home-builder or landowner would derive any benefit, for national banks are prohibited from loaning money on real-estate mortgages. Of course the national-bank act might be changed so as to permit investments in this class of securities, but this would be contrary to the fundamental idea of a national bank, which is a bank of discount and should have all of its invest-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ments in the form of quick assets and not in long-time or permanent loans. Aside from this, it must necessarily give a private profit on savings funds, which is contrary to the fundamental idea of giving all the profits to the savings-bank depositors. The giving of a private profit would destroy a most important element in the attraction of deposits.

The six hundred-odd mutual savings-banks in the country pay an average interest rate of 3.85 per cent. If the discount banks were as conservative in their investment of the savings funds as the present savings-banks they would even then be paid over one and one-half per cent. a year for taking care of them. It would appear that the Government might be in the position of saying: "In order to encourage thrift among our citizens of moderate means we ask them to deposit their savings with us. We only charge them a commission of one and three-quarter per cent. a year for taking care of them. Our charges, to be sure, are six or seven times as much as those of other banks that are successfully operated by public-spirited citizens, but then we have to contribute one and one-half per cent. a year to the stockholders of the discount banks and also we guarantee our citizens that we will give them back their deposits."

The other method of investing the deposits as set forth in the bill is better than this, in that it removes the personal profit element. It is the same, in that it does not give the depositors all of the income over expenses. It is worse, in that it removes all chance of the money being used for local purposes. There is a still further difficulty, owing to the fact that it turns over to men who are not of necessity experienced investors the investment of an enormous amount of money. In fact, it would probably be so large an amount that no such committee could possibly devote the necessary time to its proper investment, no matter how experienced its members. It is problematical what this sum would amount to, but if the plan proved to be successful there are methods of forming an opinion. For instance, the average savings-bank deposit per capita of population in the New England States is about $220, and the average per capita wealth of these States is about the same as the average for the rest of the country. If the per capita of population deposit in New England were taken as an index of the entire country and (on the theory that the present savings accounts would remain as they are) from the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

total thus produced were subtracted the present amount of savings accounts in mutual savings-banks ($3,338,763,704), stock savings-banks ($495,178,367), national banks ($756,870,969), and State banks ($593,551,084), there would remain a total of about twelve billions. This index may be too large because of the low rate of interest that is proposed and the five-hundred-dollar limit on deposits, but to offset this there is the Government guarantee and the great number of banks that would be much more accessible than those on which the index is based. For the sake of conservatism, however, suppose that the total is a third less, or eight billions. In case the deposits were not redeposited with the national banks the committee would have this vast sum to invest and the problem would be enough to trouble any committee. It would take only a little over one-half of it to buy every United States, State, municipal and railroad bond (that is legal under the New York Banking Act) in existence. It would appear to be a physical impossibility for any one committee to manage the investment of such a fund in a way in which trust funds should be invested.

It would seem, therefore, that the proposed law has some excellent features and some that are not. In a small portion of our country there is a well-established system of savings-banks that has proved most successful. In the rest of the country there is a recognized need for some system of savings-banks. Instead of adopting the present Postal Savings Bill, would it not be better to enact a national savings-bank law embracing the good points in the proposed law and the good points of the system now in operation? The existing post-office facilities might readily be used for the collection and accumulating of deposits. These might be turned over to local boards of trustees for investment in accordance with a law patterned after laws now in force in the States in which savings-banks are in operation. As the funds in the hands of trustees gradually accumulate to sufficient size the trustees might incorporate and undertake the collection of the funds as well as their investment and thus gradually relieve the Government from the necessity of operation. Any existing savings-banks should be permitted to reincorporate under the national law and in the localities where they are situated the Government would not need to undertake their operation. Thus there would be no loss sustained by the present banks on ac-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

count of Government competition. The investment of the deposits could easily be arranged in such a manner that a large proportion would have to be used in local towns for the improvement of real estate, and under the management of the local boards of trustees the interest rate would naturally adapt itself to the local conditions. If the constitutionality is satisfactorily established the Government guarantee might be used under such a plan. It would hardly seem necessary, however, when the success of the banks that are now operating without it is considered. If it is used it should be in the form of insurance, each bank being taxed a small percentage annually and the accumulation held as a guarantee fund by the Government.

Such a system might prove of great value to the country in another way. The currency system that has been fostered and built up in order to allow the Government to sell its bonds at a low rate of interest has been found to need serious revision. One of the great obstacles encountered in this revision is the preservation of the market value of Government bonds. There is no question that this value would greatly diminish if their use for currency were taken away. If a successful national savings-bank system were in operation there is no reason why a small part of the accumulated funds might not be invested in these bonds. A very small portion of the aggregate amount would be sufficient to purchase all of the bonds now outstanding. These amount to about $913,000,000, or less than six per cent. of what might be reasonably expected to be the savings deposits of the country.

To summarize the foregoing it would appear: that the true purpose of a savings-bank is to encourage thrift and prosperity by affording a means of safe investment to persons in moderate circumstances, to return to them their money with all its earnings and to furnish money to local borrowers for the development of real estate; that in the greater part of our country a need exists for such banks; that the proposed law, as a whole, is contrary to the fundamental idea of savings-banks; and that the system now in successful operation in a portion of the country could easily be extended to the whole.

HAROLD STONE.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE OTHER SIDE OF CONSERVATION.

BY GEORGE L. KNAPP.

For some years past, the reading public has been treated to fervid and extended eulogies of a policy which the eulogists call the "conservation of our natural resources." In behalf of this so-called "conservation," the finest press bureau in the world has labored with a zeal quite unhampered by any considerations of fact or logic; and has shown its understanding of practical psychology by appealing, not to popular reason, but to popular fears. We are told by this press bureau that our natural resources are being wasted in the most wanton and criminal style; wasted, apparently, for the sheer joy of wasting. We are told that our forests are being cut at a rate which will soon leave us a land without trees; and Nineveh, and Tyre, and any other place far enough away are cited to prove that a land without trees is foredoomed to be a land without civilization.* We are told that our coal-mines would be exhausted within a century; that our iron ores are going to the blast-furance at a rate which will send us back to the stone age within the lifetime of men who read the fearsome prophecy. In short, we are assured that every resource capable of exhaustion is being exhausted; and that the resource which cannot be exhausted is being monopolized. Owing to the singular pertinacity of the sun in lifting water to the mountain tops, and of the earth in pulling that water back to the sea, even the disciples of conservation by scareheads cannot say that in a few years we shall be a land without water-power. But they say the next worst thing. From official bureau and lecture platform, and from the hypnotized, not to say subsidized press, goes forth the cry that the water-power sites of the land are being hogged at a rate which will soon subject us

* Witness especially Emerson Hough and M. O. Leighton.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

all to the exactions of a cruel, soulless, grasping "power trust," the acme and consummation of all other trusts.*

For all these evils which make the future a thing to dread, the remedy is "conservation." The "government," that potent "conjuh word" of civic atavists and political theologians, must stint its natural and proper tasks to engage in the regulation of this, that or the other industry, to "conserve" our resources. To "conserve" our timber, the wooded areas of the public domain, together with all lands touching on and appertaining to the wooded areas, and all other lands that might, could, would or should bear trees and don't, must be segregated from ordinary use and put under despotic control as "National Forests."† To "conserve" our coal supply, the coal lands must be kept from passing into individual ownership, and operated, if at all, by persons who lease the privilege from the national government. To "conserve" our water-power, the power sites must be treated as the coal lands, and developed, if at all, as leaseholds. In a word, the Federal Government must constitute itself a gigantic feudal landlord, ruling over unwilling tenants by the agency of irresponsible bureaus; traversing every local right, meddling with every private enterprise, which seems to stand in the way of the sacred fetich of "conservation."

Only by such drastic means, we are told, can the rights of the people be protected, and the continued prosperity of the nation be assured. So persistently and adroitly has this view been urged by this press bureau, that millions of people wonder, in their innocence, why any one should object to so needful and righteous a work. Acting doubtless on the suggestion of the founder of the Ananias Club, the conservation press bureau has impugned the motives of all who disagree with it. If one objects to the inclusion of non-forest land within forest reserves, he is ranked forthwith as a would-be robber of the public domain. If he doubts the propriety of the Federal Government setting up in business as a professional savior from imaginary ills, he is an "individualist"—that being the bitterest term of reproach in the "conservation" vocabulary.‡ If one objects to the leasing of the

* Farmer's Bulletin, No. 327, by Gifford Pinchot.

† A forest officer defended to me the proposed inclusion of 94,000 acres of treeless land in the Gunnison reserve on the ground that the "abuse of land contiguous to the National Forests has a detrimental effect on the Forests themselves." Both the English and the logic are typical.

‡ "Conservation" for October, 1908.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

coal lands, he is plainly an undesirable citizen of some sort; and if he declares the proposed "conservation charge" for water-power to be both unconstitutional and silly, he is marked at once as an emissary of that fearful "power trust" which is so unconscionably long a-borning.

Notwithstanding the ban thus threatened, I am going to enter the lists. I propose to speak for those exiles in sin who hold that a large part of the present "conservation" movement is unadulterated humbug. That the modern Jeremiahs are as sincere as was the older one, I do not question. But I count their prophecies to be baseless vaporings, and their vaunted remedy worse than the fancied disease. I am one who can see no warrant of law, of justice, nor of necessity for that wholesale reversal of our traditional policy which the advocates of "conservation" demand. I am one who does not shiver for the future at the sight of a load of coal, nor view a steel-mill as the arch-robber of posterity. I am one who does not believe in a power trust, past, present or to come; and who, if he were a capitalist seeking to form such a trust, would ask nothing better than just the present conservation scheme to help him. I believe that a government bureau is the worst imaginable landlord; and that its essential nature is not changed by giving it a high-sounding name, and decking it with home-made haloes. I hold that the present forest policy ceases to be a nuisance only when it becomes a curse. Since that forest policy, by the modest confession of its author, is set forth as the model to which all true "conservation" should conform, I shall devote most of my attention in this paper to the much-advertised "National Forests" and their management.

According to the report of the Forester for 1908, the "National Forests" of the United States, excluding Alaska, covered an area of 155,822,030 acres, or 243,472 square miles—almost exactly the extent of the Austrian Empire. Nearly all this vast domain is located in the western third of the United States. My own State, Colorado, has 15,746,932 acres, or 24,604 square miles, in these "National Forests." This is just a bit less than one-quarter the total area of the State, and about equals the combined area of Holland and Belgium. Yet Colorado ranks as a bad fifth in misfortune, coming after California, Montana, Idaho, and Oregon. Not more than thirty per cent. of the forest-reserve area of Colorado is covered with merchantable timber; and about

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

forty per cent. of that area has no trees at all. I believe a similar percentage holds true or very nearly true on the whole "National Forest" area. It was Voltaire, was it not who described the Holy Roman Empire as something neither holy, Roman, nor imperial? By the same token, nearly half our "National Forests" might be defined as land locked up from the use of the nation, and bearing no trees.

Legally, the Department of the Interior has entire jurisdiction over the management and disposal of the public lands. The Forest Service is a branch of the Department of Agriculture. But an agreement, or "treaty," between the Department of Agriculture and the Department of the Interior hands over the jurisdiction of the Interior Department to the Forest Service, so far as the "National Forests" are concerned. Here are the first four articles of that "treaty":

"Article I. The acceptance of the Forester's finding of facts concerning land claims within the forest reserves.

"Article II. Definite notice to be given by the General Land Office to the Forest Service of a claimant's intention to make final proof.

"Article III. The refusal by the General Land Office to issue final certificate or allow final entry for any land claim within the forest reserve, against which a forest officer has protested, until full hearing before the local land officers.

"Article IV. The requirement of such stipulation and bond as the Forester may demand to protect forest reserve interests before the approval of any rights of way within the forest reserves."*

The most cursory examination of these four articles shows that they constitute the Forester all but a despot within the vast region of the forest reserves. His finding of facts is to all intents and purposes final; not one prospector or settler in fifty has the financial means to contest those findings. No one can slip by unseen; for the Land Office is pledged to warn the Forester whenever some miscreant manifests his treasonable intent of staking a homestead or patenting a mining claim. Only in rare and scattered cases can any part of the "National Forest" area become individual property without the Forester's consent. How willingly he will be likely to give that consent appears on page 10 of his little book: "The Use of the National Forests":

"Under whatever law it is taken up, the land and all its resources pass out of the hands of the people forever."

* Report of the Forester, 1906. The word "article" is mine.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

If that means anything, it means that the people are somehow made poorer when any part of the national domain is settled and developed under private ownership. It would be interesting to carry back this idea, and see how sadly the people of the original thirteen States have been impoverished by the settlement of the Mississippi valley. For lack of space, however, we shall have to confine our investigations to the present.

The Forester, then, is absolute master of an area about twenty per cent. greater than that of France. He has many times assured us that his mastery does not interfere with settlement. Let us see. Half the "National Forests" are not forest land. Much of this non-forest area is desert, but much of it is very valuable for farming. Ours is a land-hungry age. Every land drawing attracts from ten to twenty times as many applicants for farms as there are farms to divide. Land once reckoned hopelessly arid is being settled and farmed—in a single "dry" county of Colorado, for example, in September, 1909, there were 101 new homestead filings. Yet in the entire year of 1908, on an area of possible settlement larger than Italy, only 1,181 homestead claims on the "National Forests" were reported for favorable action. Almost as many, 1,057, were reported on adversely; and 80 claims got no report at all. In the same year, 1,675 "ranger's headquarters" were selected and withdrawn from entry. It is a common belief near the forest reserves that a "ranger's headquarters" bears a close resemblance to a desirable homestead. In the previous year, 1907, only 750 reports on homestead claims were transmitted to the land office by the Forester. How many of these reports were favorable, he neglects to state; but he does tell us that in that year, 1,552 "ranger's headquarters" were picked out and set apart from the profane touch of the settler. If we allow the same proportion of favorable reports on homestead claims in 1907 that prevailed in 1908, we find that in two years the Forester gave his approval to 1,563 settler's homes, and established 3,227 "ranger's headquarters." In the light of this record of more than twice as many "rangersteads" as homesteads, the claim that a "National Forest" does not interfere with settlement seems negligible.

To see how such a policy affects the community near which a "National Forest" is located, one needs but compare the economic returns from the "National Forests" with the economic returns

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from similar land handled by private individuals. The chief income of the Forest Service—always excepting Congressional appropriations—is derived from grazing fees. The Forester estimates this income for the year 1908 to amount to $0.00573 per acre. Knocking off the last two decimal places for convenience, and doubling the remainder, we may say that the non-forested lands within the forest reserves yield a gross income of one cent per acre per year. In the spring of 1909, the State Agricultural College of Colorado planted ten acres of potatoes on land almost surrounded by "National Forests." The potato-patch was 7,800 feet above sea-level, and differed in no particulars from thousands of acres of "National Forest" land near by. The potatoes yielded 100 sacks per acre, and the price on the ground was $1.50 per sack. Individual farmers in the neighborhood got even better returns. Land planted to cabbages gave a gross return at the rate of $450 per acre. Land planted to cauliflower gave returns which I am afraid to quote. Timothy hay was giving gross returns in that district of $20 per acre; and in another part of the State, that return is deemed small. In still another valley, small fruits are bringing their cultivators from $300 to $1,000 per acre per year; while just across the imaginary line that parts "use" from "conservation," exactly similar land is yielding a penny per acre per year. The difference between double-eagles and postage-stamps is an understatement of the difference to a community between land settled and farmed by individuals and land "conserved" in the sacrosanct "National Forests."*

Perhaps an instance will help to show how the "National Forests" encourage settlement. Mr. Ira P. Hutchings, of Independence, California, applied for a homestead in one of the forest reserves of that State, under the so-called Agricultural Settlement Act of 1906. He received the following answer:

"INYO NATIONAL FOREST,
BISHOP, CAL., *Jan. 26, 1909.*

"Mr. IRA P. HUTCHINGS,
Independence, California.

"DEAR SIR:—

"Your application No. 10 for Forest homestead . . . is on file in the office of the District Forester. . . .

"In order that the Forester may determine what land to recommend for listing it is desirable that a demonstration be made of its agricul-

* State Senator E. M. Ammons, a trustee of the Agricultural College, can verify this statement, and supply similar ones.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tural possibilities, and to this end I would suggest that you take out a special use permit for forty acres of the tract applied for and experiment upon it. . . . It is believed that two years should be sufficient to demonstrate whether the land will produce farm crops of enough value to justify its listing for agricultural entry.

"If results are such that your application is rejected, but if you still desire to continue occupancy of the forty acres under special use permit, you may be allowed to do so upon payment of the usual annual charges. . . .

(Signed) A. N. HEGNE, Forest Supervisor."

As a piece of unconscious humor, I have seen few things to equal that letter since the British war correspondents left South Africa. If Mr. Hutchings could prove that he could make a living on forty acres, the 160 acres applied for might be considered worth listing for agricultural entry. If, on the other hand, the land was too poor for him to own, he would be permitted to occupy it as tenant. It is well known, of course, that applicants for homesteads enjoy staking two years' time and labor against the caprice of an irresponsible official; that they are able and anxious to make "experiments" at their own expense for the benefit of a Federal bureau; and as for renting land that isn't good enough to own, the homesteader has a perfect passion for it.

With mining as with agriculture, "the acceptance of the Forester's finding of facts" is the rule, and works out in pretty much the same fashion. The rangers, hired for a little more than cowboy's wages, and generally knowing nothing of mining, are required to examine and pass upon all mineral claims within the sacred boundaries of the "National Forests." The instructions printed in the "Use Book" for the guidance of the rangers in making these examinations are a standing joke in every mining camp in the West which has been unfortunate enough to hear of them. The Forester's definition of a "valid mineral claim" would have ruled out the "Independence" on that Fourth of July morning when its owner went to work because he didn't have enough money to celebrate. If the ranger reports adversely, the claim is lost; save in those rare cases where the claimant is morally and financially able to fight for his legal rights.

Such a fight occurred in what is known in Colorado as the "Roller case." A number of men, of whom Mr. W. W. Roller of Salida is one, held eleven claims which were located and partly

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

developed before the ground was included in a forest reserve. The receiver of the land office issued his receipt for the purchase money of these claims February 24, 1906. On March 23d, 1908, Mr. Roller and his companions were notified that a forest officer had filed charges against the validity of their claim, alleging that a sufficient amount of money had not been spent in development work, and that part of the claims were not mineral in character.

One would think that the presence or absence of minerals might be left to the men who were spending $50 per acre for the right to guess on that subject. The Forest Service and the General Land Office refused to furnish Mr. Roller with specific statements of the charges against his claims; and he was obliged to proceed in the dark. Luckily, he had means to make a fight. He proved that the lands claimed were mineral; and that, mineral or not, he had a right to them under the laws of his country. He proved that he and his companions had spent over $18,000 on the claims, instead of the $5,500 required by law. In the end, he got his title. But in Summit County, Colorado, a couple of poor prospectors were not so fortunate.

Nor is the forest policy more favorable to the harnessing of water-power than to other forms of industrial development. Indeed, it is less so. The theoretical friendliness which covers—in speech—the practical hostility of the Forest Service toward mining and farming becomes too thin for a veil when a power plant arrives on the scene. To be sure, a water-power plant is about the best example of real conservation that can be imagined; a waterfall harnessed is a coal-mine saved. But the self-constituted guardians of the future are here dealing with the prospective units of the to-be-engendered "power trust"; and no mere matter of common sense is allowed to turn them from their stern duty. The power plant which comes in contact with the "National Forests" learns that the way of the transgressor is hard even before he begins to transgress. It is offered a lease to the ground needed, instead of a title. It is asked to pay an annual rental for the land covered by its storage reservoirs about equal to the price which the Federal Government asks for a clear title to similar land outside the forest reserves. It is dunned for the rent of its right-of-way. It is presented with a bill for the "conservation of water," the amount of the bill being determined by the amount of power generated and the length of time that the plant has been

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in operation. In one contract which I examined—but which the company did not sign—the "conservation charge" would have amounted to nearly $50,000 per year before the expiration of the lease.

There is not the slightest basis, in fact, for the claim that the "National Forests" conserve the water in any way that makes it easier for a power company to use. The only way to store water is to impound it in reservoirs. There is not the slightest basis in law for the levying of such a charge by the Forest Service, even if the claim of storage were well founded. The water of a non-navigable stream belongs to the State in which it is located and must be taken and used under State laws alone. The act of 1897, which established the forest reserves, expressly recognizes this State control. But, passing all questions of law or of fact, consider the injustice of thus levying a tax on the industrial development of the newer States, a tax from which the States with no forest reserves are free! To arbitrarily make electric power cost more in Colorado than in Pennsylvania is as unjust as to manipulate the price of bread in the same fashion. If the constitutional power existed its exercise would be tyranny—and the constitutional power does not exist.

Even yet we have not taken the full measure of the Forester's zeal for "conservation." The Nevada-California power company supplies current to Goldfield, Nevada. The Central Colorado power company generates power on the Grand River and carries it over half the State. In both these cases the filings on the water were made and the work of development well begun before the lands on which the power sites are located were included in the "National Forests." Yet in both cases the Forest Service tried to exact the "conservation charge"; in both cases the Forest Service bullied, threatened, cajoled; in both cases the Forest Service backed down when it encountered firm opposition and offered to settle for a sum much smaller than the one first demanded if the company would but come under the tents of "conservation" and admit the legality of the proposed tax. I am happy to add that in both cases—at least up to the date of writing—the companies have stood on their legal rights and have politely invited the Forest Service to a region where the fuel-supply, at least, has never been thought to need the labors of a conserver.

Here, then, we have a system which throughout its sphere of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

action hampers all forms of industrial development. We have an area larger than many a European kingdom put to its lowest, instead of its highest economic use. We have a policy which is an absolute reversal of more than one hundred years of national habit and tradition; a policy which holds barrenness a blessing and settlement a sin; which fines, insteads of encouraging, the man who would develop a natural resource; which looks forward to a population of tenants instead of to a population of proprietors; which seeks to replace the individual initiative that has made our land great by a bureaucratic control that has made many another land small. Surely, the danger must be imminent and terrible which is held to justify such a course.

The danger is said to be imminent, indeed. The conservation press bureau is strong on asserting. The picture of the lost and forlorn condition of the land ground under the iron heel of the coming power trust is calculated to move the faithful to tears; and the picture of the desolation which will follow the wasting of our natural resources is yet more harrowing. But somehow the details of these panoramas of terror are not quite convincing. It might be well to look up the models who sat for the various figures of "famine" which have troubled our rest.

Take the "coal famine" first. The United States Geological Survey gives the known deposits of coal in this country as holding 3,157 billion tons of coal. About half of this is easily accessible under present mining conditions. One-third can be profitably mined only when the demand grows greater or mining grows cheaper. One-sixth is composed of the lignite and sub-bituminous coals, easy of access, but recently coming into use. The coal consumption of the entire world is about one billion tons per year; that of the United States was 480,000,000 tons in 1907.

In a paper read before the Mining Congress in Joplin, Missouri, in 1907, Mr. Edward Parker, of the Geological Survey, analyzed the coal consumption and supply rather carefully. He pointed out that at the present rate of consumption the anthracite coals of Pennsylvania will be exhausted in about seventy or eighty years. The passing of anthracite means the passing of a certain luxury, to be sure; but the wheels of industry are turned by bituminous coal, and Mr. Parker's analysis of the bituminous situation is rather encouraging. To quote:

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"If we can assume that the production will continue to increase with the decreasing percentage ratio, the production for the decade ending in 1915 would be sixty per cent. over that of the decade ending in 1905 . . . in the next ten years, there would be an increase of fifty-four per cent. . . . If we prolong the curve in this way for another hundred and fifty years, we find that the production would become fairly constant between A.D. 2046 and A.D. 2055, with a production of approximately 2,300,000,000 tons a year. . . .

"If we estimate that by A.D. 2055 the production would amount to 2,300,000,000 tons annually, and the percentage of recovery remains the same (as now), the supply, in the light of present knowledge, would be exhausted in approximately seven hundred years."*

A famine which at the very worst is seven centuries away may be viewed with a certain equanimity. Mr. Parker further points out that the percentage of waste is already decreasing and states his belief that we shall soon recover from ninety to ninety-five per cent. of the coal from each measure instead of sixty-five per cent. as now—an item which would add nearly a third to the estimated duration of the supply. He takes no account of lignite and sub-bituminous coals, which exist in quantities sufficient to postpone the evil day for a couple of centuries more. In a word, as soon as one drops scare-heads and gets down to facts, he finds that the coal famine is farther ahead than the battle of Hastings is behind. If William the Conqueror had tried to make plans for the life of the twentieth century and had made those plans fast, would we thank him or curse him for his pains?

I can find no such analysis of the "iron famine" as Mr. Parker gives of the coal famine, but on the face of things the evidence does not greatly stimulate one's interest in the price of flint razors. Once more quoting from the Geological Survey, we have in this country two great classes of ores, of which only the richest is in present use. Of these richer ores the known supply is something less than five billion tons; of the leaner ores, with which the iron business in this country began and which are used to-day in every country but this, the supply is estimated at about 75,000,000,000 tons. We mined 52,000,000 tons in our banner year of 1907. Assuming that the ultimate iron production bears the same ratio to present production which Mr. Parker estimated for coal, our iron deposits will last but a paltry four centuries. I may add that there is no probability that iron production will increase in the assumed measure. Coal once used is gone, but iron once

* Proceedings of the American Mining Congress, 1907.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

used goes back to be used over again. When the industrial world is once stocked with iron, and the world's population has become fairly stationary, we shall mine only enough ore to take the place of the comparatively small quantity that does not come back to the mills for renovation.

Next comes the most imminent and pathetic of all famines, the timber famine. This is usually scheduled to arrive in twenty years, though of late there has been a tendency to admit that the famine train may not be quite on time. When one tries to collect and analyze the figures on which the prophecy is based he comes on a maze of contradictions. I quote here the table given in "Forest Products of the United States, 1907," a publication of the Department of Commerce and Labor compiled with the aid of the Forest Service and issued in 1909. These figures are by far the highest I can find. The table is in graphic form, and I may have made some errors in translating it into words. If so, the errors are very small, for the total thus reached checks exactly with the total given elsewhere in that publication.

Annual Wood Consumption of the United States.

Firewood	9.5	billions of cubic feet.
Lumber and shingles	9.0	" " " "
Poles, posts and rails	1.9	" " " "
Hewed cross-ties	1.4	" " " "
Other uses	1.2	" " " "
Total	23.0	billions of cubic feet.

Observe that the estimated "drain on the forests" from firewood is greater than that from all sawn lumber and shingles combined. To say that such an estimate is absurd is treating it far too mildly. It is nothing short of a direct insult to common sense and common information. Practically all the firewood consumed is either mill waste or comes from trees which could not produce sawn lumber and are, therefore, not counted in estimates of the standing timber. The figures on posts and rails are purest guesswork. Half the terrors of our "timber famine" disappear the moment we realize that firewood is a by-product of lumber-mill and farmer's wood lot, instead of a direct "drain on the forests."

Even so, there is no doubt but we have cut our trees faster than they have grown, and that our methods of lumbering have been designed to save labor cost rather than to save timber. But I wish

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to call attention to two items usually neglected when a "timber famine" is under discussion.

First: A large part of our original timbered area was deliberately stripped of its trees, not only to get lumber to saw, but to get land to till. This was the rule in most of the Atlantic States; and in the timbered areas of West Virginia, Kentucky, Ohio, Indiana, Illinois and southern Michigan and Wisconsin. In nearly all this region the timber was a secondary consideration, and in much of it the logs were dragged together and burned to get them out of the way. The loss of these forests has, therefore, no bearing at all on the timber-supply and demand of to-day. If it be true, as is often stated, that the remaining forests are mostly on land good for little but to grow trees one great factor in forest destruction is abolished forthwith.

Second: Our lumber consumption is decreasing. The National Lumber Manufacturers' Association estimates the production of 1908 to be 17.3 per cent. less than that of 1907; and adds that 1909 will probably show a similar or greater decrease.* I believe the decrease began earlier. The figures for the cut of 1907 show an apparent increase of eight per cent. over the production of 1906. But the number of mills reporting was twenty-nine per cent. greater in 1907 than in 1906. The probability is therefore strong that the high tide in lumber-cutting was passed at least three years ago and that we can look for a steady if slow decline for many years to come.

What this implies can be easily seen. The estimated annual forest growth in this country is twelve cubic feet per acre—one-fourth of that in the German imperial forests. The area on which this growth is taking place is given at 550,000,000 acres. One cubic foot is commonly taken to equal six feet, board measure. This makes our annual forest growth come to 39,600,000,000 feet, board measure. The known drains of 1908 total up to a little less than 46,000,000,000 feet, board measure. An unclassified drain exists, of course; but it cannot be very large. It will plainly take but a small shift in our national habits, a shift already begun, to make our annual forest growth meet our annual demand. And commercial forestry has just begun. Many railroads are planting trees for tie timber. Owners of timber land are adopting more careful methods of lumbering. Everything points to an

* American Lumbermen, July 24th, 1909.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

early and spontaneous adjustment of our timber problem—everything but one.*

And that one constitutes an illuminating incident of the conservation scare. At the very moment when the heavens are rent with wild cries for the "conservation of our natural resources" the depletion of those same resources is being artificially hastened by the tariff—and no conservationist raises his voice against the monstrous absurdity. Only one-fifth of the standing timber in the land is included in the "National Forests" and in the various parks and Indian reservations. To preserve this one-fifth the Constitution is used as a door-mat; a bureaucratic despotism is called into being; the development of whole States is checked; the productiveness of vast areas is held down to the lowest notch and the Federal treasury drained of millions of dollars per year. And all the time we are offering a direct bounty of one dollar and twenty-five cents per thousand feet—it used to be two dollars—for the destruction of the other four-fifths of our timber supply. And the press bureau, which boasts of reaching 9,600,000 readers, has carried to none of those readers a protest against this national folly—this folly that would be a crime if there were any appreciable percentage of truth in the tales told to justify "conservation." How shall we characterize that partisanship which can shriek disaster from the housetops, yet remain dumb in the face of the direct encouragement of that disaster?

Finally, let us inspect the bogy of the power trust. Without assuming to set metes and bounds for the activities of future captains of finance there are many reasons why the talk of a power trust is sheer nonsense. No trust has ever gained dangerous proportions unless it has been granted some unfair advantage through Government bounty or seized some unfair privilege through Government neglect. The classical example of the advantage granted is the tariff; the classical example of the advantage seized is the railroad rebate. I can see no disposition anywhere to grant such favors to a prospective power monopoly, nor to sit by idly while such favors are seized. For at least seven centuries the water-power companies must be prepared to compete with coal; and it is not without bearing on this question that the sun-motor and

* The figures of annual growth and acreage are taken from Forest Service Circular No. 166—"Timber Supply of the United States," by R. S. Kellogg. The figures for known uses are taken mainly from the American Lumberman.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the wave-motor are both accomplished facts merely awaiting commercialization. The physical obstacles to a power trust are insuperable so long as the States insist on actual use being necessary to the ownership of water. Of the financial troubles of such a trust I will only say that Government "experts" estimate that it will take twenty-three billion dollars to finance the water-power development of the United States. The likelihood of such an aggregation of capital under one control I leave others to consider.

Just one of all the scares adduced to justify the freaks of "conservation" has any basis in fact, and that basis rests on a legislative folly against which no disciple of "conservation" protests. The rest of the terrors are the unreal fabric of a bureaucratic dream. And if they were real the worst possible method of meeting them would be that scheme which is touted by the conservation press bureau as a piece of statesmanship so profound that its authors are appalled afresh each day at their own supernal wisdom. If the power trust were a real menace, how could its coming be hastened more surely than by cutting off from use the supply of power sites? If a coal famine were impending, what could be worse folly than to put in charge of the coal-mines an agency which cannot even run a monopolistic post-office without a deficit? If the timber famine were as near and as fearsome as we have been told, who shall measure the criminal folly of taxing the people to "conserve" one-fifth of their timber-supply and taxing them again to provide bounties to hasten the destruction of the other four-fifths?

The terrors from which "conservation" is to save us are phantoms. The evils which "conservation" brings us are very real. Mining discouraged, homesteading brought to a practical standstill, power development fined as criminal, and, worst of all, a Federal bureaucracy arrogantly meddling with every public question in a dozen great States—these are some of the things which result from the efforts of a few well-meaning zealots to install themselves as official prophets and saviors of the future, and from that exalted station to regulate the course of evolution.

It is no more a part of the Federal Government's business to enter upon the commercial production of lumber than to enter upon the commercial production of wheat, or breakfast bacon, or hand-saws. The judiciary committee of the Sixtieth Congress, reporting on the proposed Appalachian reserve, declared

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that the sole ground on which Congress could embark in the forest business was the protection of navigable streams.* Will any one pretend that a forest reserve on the crest of the Rocky Mountains, with the nearest navigable water a thousand miles away, can be brought under this clause? Even on the Pacific slope, I have not heard that the lumber mills of Washington have seriously impaired the navigability of Puget Sound; nor that the Golden Gate would shoal up if the cutting of timber in the Sierras were unchecked. And will the champions of "conservation" claim that the Federal Government has greater rights and powers in the newer States than in the older ones?

But the public lands belong to the whole people. Undoubtedly; but in what sense do they so belong? As a landed estate, from which to draw rentals, or as an opportunity to be used? Which interpretation of this ownership has prevailed in the past? Which doctrine caused the settlement of a region as large as half Europe within the lifetime of a single generation? And passing this larger aspect of the question, if the "people" do own the public lands, and especially the "National Forests," in the sense of being possessors of a rentable estate, are they quite sure that it will pay to treat that estate in that fashion? The total receipts from the "National Forests" in 1908 were $1,842,281.87. The expenditures for the same year were $2,526,098.02, leaving a deficit of $683,816.15. If the "people" really want that deficit and would feel robbed without it there might be less bothersome ways of supplying their need than the maintenance of a Federal bureau. It might be cheaper to sell the estate on reasonable terms and trust to the patriotic endeavors of Congress to provide the indispensable deficit.

Our natural resources have been used, not wasted. Waste in one sense there has been, to be sure; in that a given resource has not always been put to its best use as we now see that use. But from Eden down, knowledge has been the costliest thing that man could covet; and the knowledge of how to make the earth best serve him seems well-nigh the most expensive of all. But I think we have made a fair start at the lesson; and considering how well we have already done for ourselves, the intrusion of a Government schoolmaster at this stage seems scarcely needed. The pine woods of Michigan have vanished to make the homes of

* Report No. 1514, 60th Congress, First session.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Kansas; the coal and iron which we have failed—thank Heaven!—to "conserve" have carried meat and wheat to the hungry hives of men and gladdened life with an abundance which no previous age could know. We have turned forests into villages, mines into ships and sky-scrapers, scenery into work. Our success in doing the things already accomplished has been exactly proportioned to our freedom from governmental "guidance," and I know no reason to believe that a different formula will hold good in the tasks that lie before. If we can stop the governmental encouragement of destruction, conservation will take care of itself.

To me the future has many problems but no terrors. I belong to the generation which has seen the birth of the electric transformer, the internal-combustion engine, the navigation of the air and the commercial use of aluminum, and I quite decline to worry about what may happen "when the world busts through." There is just one heritage which I am anxious to transmit to my children and to their children's children—the heritage of personal liberty, of free individual action, of "leave to live by no man's leave underneath the law." And I know of no way to secure that heritage save to sharply challenge and relentlessly fight every bureaucratic invasion of local and individual rights, no matter how friendly the mottoes on the invading banners.

GEORGE L. KNAPP.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BRIBERY IN THE LEGISLATURES.

BY S. M. GARDENHIRE.

It is not often in this government of the people that such an object-lesson is furnished them as that enacted at Albany, New York, in the politics having headquarters there. One honorable Senator has accused an honorable colleague of having accepted a thousand dollars as a bribe direct for his official vote on a bridge proposition which was pending in the Legislature. The small sum named was not the total of the price alleged to have induced a betrayal of public trust, nor are we to regard it as a measure of the value of this kind of statesmanship; its significance is in the fact that it purports to be the specified amount in a rare and concrete case which opened itself up in this timely manner to publicity. The gross figures of which this thousand dollars was a part might well have influenced any number of honorable colleagues of this alleged more or less honorable stripe. The preliminary legislative inquiry following incited the query as to whether or not the case disclosed a practice or an incident. The question was characteristic in its hypocrisy. It made one think of Macaulay's reference to the British public in one of its periodical fits of morality. The newspapers throughout the country generally are scarcely in doubt. They have long admitted the prevalence of bribe-taking in Legislatures, and in this case they allege that the practice is winked at in the organization of both political parties. As to this, there is little doubt in even the general public mind, and in its own interest it can afford to be as frank as its press; the Albany case is a practice and not an incident. All men of affairs are familiar with the old legislative stagers who, on the convening of the Assemblies at the appointed time in the various States, rise from their familiar seats, one after the other in turn, to introduce House Bill number blank, re-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

quiring the local railroads to establish standard scales at country cross-roads, put asphalt between the rails in desolate wastes, place stock-yards on costly terminal grounds, or imposing such other duties and expenditures as may uselessly harass and annoy. Such procedure is so much looked for on such occasions that the House staff greets the ancient routine with a humorous smile of welcome, and the bills are quietly referred to the various committees, where watchful lobbyists of the assaulted interests are prepared to meet them. Insurance companies have been similarly attacked, and officials of these two kinds of corporations, exclusive of many others, will bear unanimous testimony that they have met this character of procedure for years in practically every State in the Union.

As the country has grown into unprecedented commercialism all moral questions have amplified. But the harsh syllabic "bribery" has been tempered by the apologetic word "graft." One municipal politician whose area of influence might dignify him to statesmanship in the West, with a lack of humor which is a reflection on the race from which he sprang, has coined the phrase "honest graft" as descriptive of that character of dishonesty which the public will admit and yet tolerate. It is the irony of our helplessness that admits his definition.

The Albany case suggests a more extended investigation. But why seek to discover what we already know? If the additional certainty to be acquired is not to be followed by an effective remedy, why trouble the waters?

We have statutes already which make bribe-taking a felony. Every State by their enactment has confessed their necessity. Can they be made stronger? Can we make bribery more than a felony? The matter will bear emphasis because of its moral interest to the whole country. The representatives of the people come from the very essence of the community itself and are presumably selected citizens. Is it possible that we get a better class of persons from the same source when we draw on it for our judges, and must we believe that the courts are corrupt also? "To such complexion must we come at last," unless the remedy be found.

A reading of these bribery statutes, varied as they may be, will show that we have treated the situation with a severity that smacks of bravado when it is remembered who drafted and en-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

acted them. They strain legislation to the utmost to reach a dangerous and detestable form of crime, and yet, with rumor and suspicion rife throughout the entire country, and so existing for a long period of time, the bribe-taker is the rarest defendant seen at the bar of justice.

The reason? We are not yet free. We have not yet thrown off the prejudices, the superstitions and the ancient thralls with which intelligent aspiration must continue to strive. Here the doctor makes diagnosis of his own case. Judges do *not* condemn themselves. Legislators do *not* make laws under which they can be convicted of practices in which they admittedly indulge. The old legislative stager who rises with his railroad or his insurance bill can be trusted not to initiate or further any measure in which his own conduct is likely to be entangled. And he is the wariest and wisest old veteran that ever administered such a situation. He is an expert on every moral question growing out of a relation between the public and its law, and the loudest and shrewdest sophist that ever spoke to such a subject. We have called him a demagogue, but he is more; he is a special pleader to inherent weakness in humanity itself, and therefore he seldom speaks in vain. He, the man we most desire to reach, past master in the premises that afflict us, is the one to whom we go for counsel, and to whom we guilelessly intrust all methods to prevent a procedure of which he is both the father and the mother.

Let us stop in the haste of too much progress and optimism and consider a matter about which we usually shrug our shoulders. Does there exist, then, truly in the conduct of this Government for which we profess such pride and which we have believed to be so superior to every form of monarchy, however liberal, this vulgar form of theft? And in the very citadel, too? Integrity is one of the elements of patriotism, yet we believe that a legislator who would take a bribe from a willing giver for a vote on a matter possibly not affecting his immediate constituency might stop short of robbing the treasury and would scorn to betray his country to a foreign enemy. The salvation of the question is in the fact that there *are* such men. We feel this, and hence we are patient with a situation which we believe to be beyond cure, except in a further development of the general conscience. Hundreds of officials would accept a bribe indirectly who would repulse an offer of money with indignation. To their minds, blandish-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ment or social preferment or indirect business advantage does not shape itself into such an act, or differ so greatly from the ordinary transactions of life, not official, as to make such an acceptance an offence. It is here that the old stager rises in defence of an inherent weakness to invert the laws of logic and interpose an effective barrier to progress. It is in this that the strongest statutes with the severest penalties are ineffective. In every State in the Union they all beg the question in the beginning. They offer by way of apology the old and comforting phrases, "The receiver is as bad as the thief," "The whiskey-seller is as bad as the whiskey-user," and the, "Tempter"—we have hated the "tempter" ever since he crept into the Garden of Eden. And he has retaliated in making that hatred and its accompanying fear the basis of as much injustice with its accompanying misery as humanity has been able to inflict on itself.

We make a statute declaring that the bribe-taker shall be punished as a felon; and smilingly the old legislative stager incorporates into the same rule the provision that the man who offers the bribe shall be also a felon and thereby wipes out the only available witness to the transaction. And he knows his moral public. "I am perfectly willing to be punished if I accept a bribe," says this veteran in logic, "and I ought to be. But you must punish equally that overpowering person to whom I am induced to yield."

In the annals of logic there was never a conclusion more insincere. The receiver is seldom as bad as the thief; the other old saws and ancient instances are likewise faulty and the tempter has a very small moral status in any such transaction. "'Tis in ourselves that we are thus and thus."

In the isolated instances where the tempter is a man of force, character and experience, and the person influenced a weak, timid and trustful nature, the instance excites a natural abhorrence. Where manhood preys on childhood in any form of sin or deceit, we are stirred to anger and revolt. But all such cases usually occur in another domain of our social relationship and are met by methods in which the social system is well schooled. Invariably society can care for them, and the analogy by way of illustration should not be tolerated in the mouth of any erring official.

Imagine a man proficient enough to obtain a public office in

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

these days of extended and complex political controversy mitigating his lapse from decency and honor by asserting a tempter! It is the criminal always who begs the question and those related to him in some manner of blood or interest who seek indulgence by pleading the primer in human weakness. In truth, a public officer is presumably not a person to be tempted. He is selected as a choice example of wisdom and experience, well worthy to be trusted. The kind of man who would seek to bribe him is a person who could not, in the logic of things, influence him at all; and wherever he yields it is the money and not its wielder who tempts him. The bribe-offerer in every such transaction is a minor moral factor with little logical relation to the act or its result.

The official is under obligation, assumed beforehand, not to betray his trust. This obligation takes the form of an oath which puts him on notice. But the bribe-giver is not anticipated or expected. The citizen is not presumed to be so foolish as to wish to corrupt his own servant, and it never should be suspected that an offer of a bribe would be accepted. And it never would be accepted if the criminal statute was made effective by putting the burden solely on the man who directly and solemnly assumes it and letting the bribe-giver be immune. Bribe-taking would instantly disappear in the face of such a statute, unless we impute a criminal stupidity to men worth official status. Immune himself and guilty of no offence in so doing, no man would dare approach an officer and ask him to become a criminal, alone, for any sum which might be tendered. The reply must be absolute in every instance:

"Why, you villain! Do you want to entrap me? If I accept this offer I become a criminal, while you are in no peril whatever. Nothing but your silence would stand between me and the penitentiary, and even though you should not betray me I must be your slave, always at your mercy, compelled to obey you hereafter without a payment, because you could always hold me subject to the telling of my first offence."

Is it to be believed that any man of official age would ever assume such a condition? And how would he resent the effort of any one to induce him to assume such a condition?

It is easy to enforce the statutes against every character of admitted felony where witnesses who testify against the criminal

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

are regarded as good citizens and are encouraged to come forward; but if in a case of burglary the person robbed were placed in the same category as the criminal, no sane citizen would be willing to testify that his property had been invaded. He could better place the burglar in the quality of an invited guest and swear speedily that the goods taken went with his full consent.

The question presents difficulties only to those legislative veterans who are protectors of the public conscience, and one form of story which may take many forms illustrates his method of mitigating the veniality of the bribe.

"Here's a thousand dollars for your vote, Bill, on this railroad question," said a lobbyist to the member of a Western Legislature. "Can I count on you as against the measure?"

"You can," was the reply as the member pocketed the money, "but don't think this little gift has influenced me any. I'd made up my mind already to vote your way. I'm an honest legislator, while you are a lobbying bribe-giver, and I only took your money to prevent your tempting some weaker member of this body with it."

"All right," said the lobbyist; "but I shall not make this case a precedent."

"No, I wouldn't if I were you," answered the lawmaker. "Each case should rest on its own merits, and one *could* arise where I might not have made up my mind beforehand."

Civilization is attained by educational thought and consistent individual striving. This results in the abrogation of old prejudices and the making of new rules or laws up to which the consistent strive to live. If prejudice is thrown down and the bribe-taker is not protected by a statute of his own drafting, wherein he shall impose upon his alleged tempter a penalty as great as that which he is willing to risk himself, we may hope to abolish graft and progress a little further on the journey towards good Government.

S. M. GARDENHIRE.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BROWNING AND SAINTE-BEUVE.

BY GAMALIEL BRADFORD, JR.

LET me explain at once that the distinguished characters who give a title to this article had, so far as I am aware, no personal acquaintance with each other. I do not remember that either made even any reference to the other, for good or for evil. Nevertheless, there is a striking resemblance between their literary aims and achievements, and I have found the study of the two writers together most significant for the understanding of the age in which they lived.

It is, perhaps, rash to attempt to sum up a century in a single word. If we try to crowd human nature into our formulæ, it revenges itself by stultifying them. Yet there are certain key-notes which, broadly and wisely interpreted, seem to throw more light upon a special period than pages of analysis. Thus in the largest and best sense convention may be said to be the key-note of the eighteenth century, including in that term the reign of Louis XIV, with all that it implies, and excluding the last two or three decades and the French Revolution. Convention—the reasonable sense of practical limitations, degenerating for the unintelligent into an artificial standard—convention in thought, convention in social life, convention in political systems, convention in art, convention in literature—here we have the world of the *Grand Monarque,* the world of Locke, the world of Pope and Johnson and Goldsmith, the world of Horace Walpole.

Then the great, fruitful, Hegelian principle of progressive reaction asserts itself and the French Revolution, with all that precedes and follows, blows the rotten structure of convention into dust. We must seek a new word that will give us the key-note of the opening nineteenth century. Who can doubt that that word must be, nature? Shifting, varying, obscurely, blindly, failing at

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

one point and struggling onward at another, the nineteenth century in the main kept before it the desire to substitute nature, natural laws and natural impulses, for falsehood, for pretence, for artificiality, for convention.

At first this desire for nature was youthful, lyrical, imaginative. What was the French Revolution but a convulsive epic, as Carlyle has grandly shown it? What was the career of Napoleon but a lurid tragedy of Æschylus or Marlowe? What were the philosophies of Fichte and Schelling and Hegel but broad flames of the creative imagination? And the painting of Turner was nature as the world had never seen it before, nature interfused with dreams. And the novel of Scott and Dumas and Hugo was nature, human nature, let loose from Richardson's trim wig and sword and careering through the ages. And, above all, the return to nature in the early years of the nineteenth century was the carnival of poets. Prose might stumble after, as it could. The free, the joyous, the spontaneous expression of the age was rhythm and rhyme.

But the century grew older and somewhat distrustful of these raptures. Nature was the watchword still; but what if the lyrical imagination had betrayed nature? It had been loudly proclaimed that nature taught political equality and democracy, but democracy appeared to be a dubious success and equality both impracticable and absurd. German philosophy had deduced from nature a splendid, rainbow-colored pantheism, seductive, alluring, but to plain minds not altogether substantial. These personal outpourings of the poets—it was difficult to resist their intimate charm, but were they quite genuine? Was not poetry, anyway, a distorting medium, enticing, misleading, disguising? Nature, yes, but let us have just plain nature without literary gorgeousness, the humble, the simple, the reverent study of fact. For simple study is more reverent than the blatant, boisterous intrusion of our own temperament, our own interpretation. It was hardly possible that this protest should affect the political world at once, except in a marked change of attitude. But in the world of thought it meant the coming of the scientific spirit. The name of Hegel may be most typical of the intellectual life of the earlier nineteenth century. Assuredly that of the later will be more and more associated with the name of Darwin. Try all things, test all things, examine all things, not with arrogance or self-assertion, but with reverence

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and humility. Above all, respect fact, for the most insignificant fact may be the key to the universe. There are no insignificant facts. Not in the natural sciences only, but in the historical, in every branch of thought and life, the Darwinian method, the Darwinian attitude made themselves supreme.

And here the poets were out of place. Plain prose was best for telling plain facts to plain people. Of course poetry did not disappear. It never can. But it withdrew, for the most part, into an "ivory tower" of its own, built a Palace of Art, busied itself with curious felicities of rhythm and remote analyses of thought, ceased to be the vital, the natural, the spontaneous language of mankind, as it had been before. The typical literary names of the last half of the nineteenth century are not even Tennyson and Gautier, certainly not Swinburne, or Rossetti, or Arnold, or the French Parnassians. They are the great novelists, English and French, who in simple, vigorous prose portrayed human character with all Darwin's searching love of fact and all his patient reverence for it—Thackeray, George Eliot, Hardy, Balzac, Flaubert, Zola, Maupassant, and many another.

Now the case of Browning was peculiar. By temperament he was thoroughly in sympathy with his age. No "ivory tower," no palaces of art, no dim seclusion, no empty niceties of rhythmical cleverness for him. Balzac, the first and perhaps the profoundest of the great French vivisectors, is the novelist he prizes and admires.

> "'For I,' so I spoke, 'am a poet.
> Human nature, behoves that I know it.'"

Even here we do not get Browning's own utterance, for the intensity of his reaction against romantic personalism, bitter as Flaubert's or Zola's, was so great that he would not make his studies of other men and women in his own words, but preferred the monologue form and the dramatic expression of some imagined interpreter.

But it needs no direct utterance of the poet, no explicit statement of æsthetic creed or dogma, to show us where Browning's interest lay, and to what end his literary efforts were directed. The study of the human soul, of every human soul, its life, its motives, its conscious purposes, hopes, desires, triumphs, pitiful failures and despairs, this was the aim of his art from beginning to end. Nice arrangement, artistic perfection of design, were

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

well in their way. Classic adjustment of all things to a perfect harmony of loveliness was beautiful, admirable. But the vast, sudden modern consciousness of soul secrets left no time for such delicate æsthetics,—

> "To become now self-acquainted
> And paint man, man, whatever the issue!
> Make new hopes shine through the flesh they fray,
> New fears aggrandize the rags and tatters:
> To bring the invisible full into play,
> Let the visible go to the dogs—what matters?"

And so Browning's work remains a vast gallery of portraits, all done, in one way and another, from the life, and hence warm with the breath of humanity. Lovers, not mere lovers, blending their love with art and patriotism and spiritual striving. Men of the world, Blougram or Sludge, not all men of the world, tempering their worldliness with the regret, or at least the pretence, of something higher, as humanity does. Saints not all saintliness, as humanity is not. Sinners not all sin. Artists studied not in their art, but in their humanity. Heroes in the rapture, the panting ecstasy of heroic action. Above all, women, since the richer, varied life of modern woman is the newest and most splendid field for artists' tillage. If Balzac was in any way Browning's master, it was in regard to women that Balzac could teach him most. And the author of "Any Wife to Any Husband" and "James Lee's Wife" and many and many a similar study had profited by teaching, whether Balzac's or nature's.

So far Browning was altogether of his age, its child, its prophet. Fact, bare spiritual fact, was the object of his art, the delight of his contemplation, as much as it was of Flaubert's or George Eliot's, as much as it was of Darwin's. But for these writers the natural medium of expression for fact was prose. Poetry was a strange language, an artificial utterance, barbarous or childish even when magnificent. It was too uncouth, too subtly formal, too elaborate, for a mind bubbling over with thought, with observation, with the new, large riches of psychological discovery. For such, form must be simple, rapid, splendid, if you like, but not with a splendor to distract the reader for one moment from the essential matter which was crowded upon his attention.

It was here that Browning parted from his fellows. Poetry

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was the language of the gods, had been the language of the great gods of art for centuries. How could art relinquish it, consent to falter in plain prose and abandon all that luxury, that splendor of rhythmic glory, which had held the listening world so long? It could not relinquish it. It must not relinquish it. If the age hungered for prose, it must be taught better, must be taught that its deepest needs, its widest discoveries could find their utterance more perfectly, more divinely, in verse than in any prose. It was this task that Browning set himself, how consciously of course we do not know, a Titanic labor, to bend the genius of a whole epoch and make it grow, not as it would, but as it ought.

This splendid struggle against the current of his age, this recognition of poetry as the highest possible, the eternal medium of expression, and determination to make use of it in uttering precisely those tendencies of the age which were most anti-poetic, is Browning's peculiar distinction and entitles him, far more than his actual achievement, to admiration and sympathy. The effort to be the poet of an age of prose marks his strength, but it also marks his weakness. If he had been a lesser man, he would have been content to develop the traditions of romanticism, like Gautier, like Swinburne, shutting his eyes to the throbbing reality of the world around him. If he had been greater, he would have accepted the conditions of the time, thought of fact only, of life only, and not have wasted his powers on the management of a medium which was rebellious to his purpose and repellent to those who should have been his most attentive audience. The greatest man is he who, like Shakespeare or Dante, is perfectly the child of his age. He may rise above it and dominate it, he may, he must have the faculty of giving it artistic interpretation *sub specie æternitatis;* but he must be wholly in sympathy with it, its defects and weaknesses as well as its grandeur. Matter and form both must be intimately his. Only so will posterity, from its altered point of view, turn back to him as being a real, a genuine expression of humanity.

And if we look a little deeper into Browning we shall begin to suspect that his perversity in the choice of form covers a greater inadequacy in matter than we might at first suppose. That he loved the moving spectacle of life, that he was intensely interested in the subtle, psychological analysis of passion and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

character, no one can deny. But that he was always very original, very profound in carrying out this analysis, is much more open to question. If he had been clear, direct and simple, it would have been easier to judge. And conversely one is inclined to suspect that if he had had deep things to say, he would have said them simply. It so often happens so. Can it be possible that the poetic medium served his purpose, after all, where prose would have betrayed him? Certain it is that the cloudy obscurity of "Sordello" and many other of the monologues, when probed too deeply, often yields a shallow commonplace. And it is curious to note that in drama, which enforced a simpler handling of characters and a clearer mode of expression, the shallowness and the commonplace are very much more obvious. It may be, therefore, that art, like nature, adapts itself, and that if Browning had been really capable of uttering fully the spirit of his age he would have—uttered it. But at least the glory of his attempt should never be forgotten.

Now, if we turn to Sainte-Beuve, we find the attempt—and the achievement. We see a man working absolutely and easily in the life of his age, as if he were born to it, accepting its aims and ideals, not with struggle, but with joy, individual, independent, but with an individuality, an independence, largely adjusted to the movement of the time, not contradicting it, fulfilling it. Sainte-Beuve, like Browning, began as a poet. But he early found that his real work lay in another direction, and he soon turned thither, though never failing to recognize quite as clearly as Browning that poetry must be the highest utterance of all. He himself says, far too modestly, that his aspiration was "to write agreeable things and to read great things." Agreeable or not, in the forty volumes of "Lundis" and "Portraits" he has left one of the noblest monuments of an age and of a life that the world has ever seen.

It is customary to speak of Sainte-Beuve as if he were chiefly, almost as if he were only, a literary critic. Arnold and Mr. Saintsbury, who have both written of him excellently, take no other view. Professor Harper, in his interesting monograph, has a few hints suggesting a different attitude, but in the main his standpoint also is literary. This is far from adequate, as we shall see later. There is no doubt, however, that merely as a literary critic Sainte-Beuve's position is very high. The breadth,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the justice, the moderation, with which he judges the great French authors is as admirable as in a French critic it is rare, and is all the more notable because his knowledge of other modern literatures is far from extensive. The reserve, the restraint of his manner, his constant dread of exaggeration and rhetoric make him less fertile in brief, brilliant, illuminating characterizations than some other writers of much less originality and power. Yet if one reads him carefully one finds many touches that are not only significant, but enduring. "When Voltaire is right, nobody is right with so much ease and so much grace." "Up to that time it had been quite indifferent to French writers whether they had green before their eyes or not. It fell to Rousseau to put *green* into our literature." Then, too, in age, as in youth, Sainte-Beuve loved literature, cherished the beautiful worship which Erasmus expressed so concisely and untranslatably when he called himself *mystes litterarum religiosissimus*. Apologizing in later years for discussing many things which were not literature, the French critic says: "I do not often speak of poetry, precisely because I have loved it so much and because I still love it more than anything else. I am afraid of having to speak ill of it, or, at any rate, of not being able to speak as well of it as I could wish." For the English reader, perhaps for any reader, the most suggestive, the most beautiful part of Sainte-Beuve's purely literary criticism is the too few essays on the classical poets, Terence, Meleager, Apollonius, the Anthology, above all, Theocritus. This last is unsurpassable for depth and delicacy of poetical sympathy, for grace of imaginative suggestion, for perfect comprehension and fineness and justness of critical tact.

Yet merely as a literary critic it is doubtful whether Sainte-Beuve could maintain permanently his high reputation or continue to stand so much above and apart from all other critics as it is usual to place him. Few can match his volume of work. But Scherer distinctly surpasses him in intellectual clear-sightedness and broad grasp, Arnold has greater spiritual intensity, Anatole France and Jules Lemaître have a finer sensibility, much more grace and charm of expression, and humor. Then Sainte-Beuve's literary judgment has certain serious limitations. His imperfect acquaintance with other literatures than his own I have already referred to. But even on French subjects he is not really satisfactory outside of the sixteenth, seventeenth

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and eighteenth centuries. "Every mind," he says, "has, so to speak, its natural sphere; mine was rather that of the civilized, cultivated epochs, like the classical ages and the Renaissance. It is only by constraint that I have been able to work back further and make my way into regions that seemed barbarous and harsh." In other words, he did not feel the peculiar charm of the Middle Ages, very real, however it may have been exaggerated. "Tell me it is curious as much as you like," he writes of the vast literature of the Mysteries, "but that it is beautiful—no." And on nineteenth-century authors he is equally unprofitable for a different reason: of all the great and successful ones he was pitiably jealous. "When one is young and beginning life one touches the great living writers by their excellences; when one grows older, one is keenly aware of their defects." Not "one," but "I, C. A. Sainte-Beuve," he should have said. "Sainte-Beuve is eager to write a book on Madame de Staël, with viper notes, like his Chateaubriand," say the De Goncourts. And his bitterness toward these two is no more marked than towards Musset or Hugo or Lamartine or Béranger. Even where his judgment is rational and in the main satisfying, as with Balzac, there are little corners and twists of personal spite which must exasperate the most sympathetic and admiring reader.

Moreover, to speak of Sainte-Beuve as a literary critic only is to prejudice some persons who entertain the idea that criticism—that is, books written about books—is, after all, a very secondary matter and may well be postponed till one has read all the great subjects of critical discussion. This view is quite erroneous. The function of the literary critic is not to chat with us about what we have read, but to teach us to read, to give us the critic's own enthusiasm, make us see what he sees, feel what he feels, in matter that would otherwise be dead to our unawakened apprehension. The critic does for books exactly what Thoreau and Burroughs and Torrey and so many other deservedly popular writers do for nature—that is, gives us his eyes to see with or teaches us to use our own. Nevertheless, to the general reader criticism is and will probably remain a secondary and rather unprofitable affair.

For these reasons it is important to insist on what has been so often and so strangely overlooked, that Sainte-Beuve is not exclusively or even primarily a literary critic at all. He himself

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

has given us the clew to the greater part of his work, to his main effort, in the pregnant sentence, "I botanize, I herborize, I am a naturalist of souls." Is not this the note of the age, the secret of Browning's struggle, of all his long, bitter endeavor? A naturalist of souls. Is not this the true cry of the contemporary of Darwin, to explore, to classify, to botanize, to herborize, to roam up and down the wide soul garden, probing, dissecting, watching with curious and sympathetic eye all human hopes and desires and passions and the fruits of them? This is what Sainte-Beuve did for forty years, quietly, curiously, absolutely simply, with none of Browning's display or formal rhetoric; and it is most extraordinary that he should have been misunderstood and discussed and treated as a mere judge and historian of literature. The explanation is not difficult to find, however. In the first place, literature was the necessary means to the end. Souls must largely be studied in books and papers and documents. The study of spiritual facts is often very intimately involved with the study of the expression of those facts, which is literature. This naturally led to confusion. And in the second place, Sainte-Beuve—it is one of his great merits—disliked and avoided generalization. In all his sixty volumes he rarely tries to get clear with himself about the principles of his work, and when he does he is unsuccessful, obscure and incomplete. He had the true, the essential mark of the scientific spirit, the love of observation for itself. The mere contemplation of fact, the delight of watching it unfold, develop, evolve, according to its natural laws, was enough. If these laws came of themselves to definite formulation, well and good; but formulæ were dangerous things, ensnaring, to be avoided, certainly not to be sought for. They were most of all dangerous to the naturalist of souls. In this quiet, patient temper, this perfect openness and receptiveness, Sainte-Beuve comes nearer than almost any one else but Darwin to the scientific ideal, and with Darwin he is one of the most representative minds of the nineteenth century.

Yet, although Sainte-Beuve seldom attempts any elaborate exposition of his mental attitude, it would seem as if no one could read him at all widely without becoming aware of it. Even in studies of distinctly literary figures, he is less often the critic than the moralist and psychologist. In his articles on Gibbon, for instance, there are perhaps two or three pages of direct dis-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cussion of the great history. The remainder is an analysis of the temperament and character of the man. "Is it criticism that I write in sketching these portraits?" we read in "Portraits de Femmes." "I doubt it. Criticism, in the exact sense of the word, often enters into them in only a very secondary manner." Again in the article on Chateaubriand (Nouveaux Lundis III), perhaps, on the whole, the most satisfactory statement of method and aims that Sainte-Beuve has left us, he says: "To be in literary history and in criticism a disciple of Bacon appears to me the great need of the age." But the force of the general impression can hardly be conveyed by detached illustrations. It grows and grows as we find our author constantly on the watch for psychological revelations, keenly alive to subtle modes of thought and emotion, gloating over documents which are perhaps of no importance as literature, but are intensely significant for the history of a human soul. "The inestimable value of the letters of Mademoiselle de Lespinasse," he says, "is that we find in them what we do not find in novels. They give us pure drama in its natural shape, as it reveals itself rarely in a few gifted beings. *The surface of life is rent all at once and we read bare soul.*"

It is as a reader of bare soul, then, that Sainte-Beuve is really great, really original. Of course others have been doing the same thing since the beginning of the world, all historians and all biographers, in their way and measure. Sainte-Beuve's originality consists in his immense variety and the richness which that very variety brings by the comparison of soul with soul, and in his thoroughly scientific attitude, his patience, his infinite, subtle comprehension and sympathy, above all, in his desire to present his subject simply and sincerely, with no thought of rhetorical impression or effect. In this regard it is most instructive to contrast him with Macaulay. Macaulay, too, sketched portraits, left a vast gallery of English figures, as Sainte-Beuve did of French. But we have seen that Sainte-Beuve was a "naturalist of souls." Well, Macaulay was a showman of souls. There is the difference. This comparison of Macaulay and Sainte-Beuve has always seemed to me peculiarly profitable, and recently I was delighted to find it emphasized by Sainte-Beuve himself. Writing of some historical personage, he says: "People have given him a little more physiognomy than he really had, perhaps,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

following the dangerous advice of Lord Macaulay, which is very popular at present: 'The best portraits,' says that great historical painter, 'are those in which there is a slight admixture of exaggeration. Something is lost for accuracy, but much is gained for effect.'" The showman of souls, is it not?

The reader who likes accuracy better than effect, who loves the study of souls bare, souls simple, and thinks such study one of the most profitable things in the world, will find Sainte-Beuve's endless volumes an inexhaustible resource. They contain many detached psychological observations as subtle as they are perfectly expressed. But it is not the detached observations; it is the complete portraits of human beings that count. As in Browning, so here, we find all sorts and classes, but without Browning's effort and torture and restlessness, quieter—and deeper. Here are kings and queens and historical personages, Louis XIV seen clearly as a great monarch and a little man; Napoleon judged humanly in his grandeur and in his downfall; Frederick, who, "with a relative sentiment of justice and even of kindness, absolutely lacked the ideal." Here are literary men and artists, studied, like Browning's, not as artists, but as men. Here are quiet people, living thoughtful lives apart, utterly unknown to the general reader, yet furnishing sometimes the most interesting portraits of all, like Huet and Boissonade. Here are sinners, with their sin neither forgotten nor condoned, yet viewed with the large tolerance of one who understands that sin is too possible for all. Here are saints drawn not only with tender reverence, but with the deepest sympathy, the most enthusiastic comprehension of their mystical devotion. And as we have seen that the highest of Browning's effort was his varied portrayal of the hearts of women, so with Sainte-Beuve, the best, the richest of his work is perhaps the long series of studies of the women of the seventeenth and eighteenth centuries, La Grande Mademoiselle, Madame des Ursins, Madame de Maintenon, Madame du Deffand, Mademoiselle de Lespinasse, Madame Geoffrin—the list is well-nigh endless. Above all, these portraits of women illustrate the point of my argument, for hardly one of them can be called in any proper sense literary criticism at all. They are specimens exquisitely preserved in the herbarium, to use Sainte-Beuve's own phrase, of a naturalist of souls.

And now, what if we apply Sainte-Beuve's method to his own

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

character and try to make some such analysis of him as he makes of others? The task is as difficult as with Browning, for an opposite reason. Browning tries to tell us nothing of himself, Sainte-Beuve tells us too much, shows us such a vast and many-sided sympathy that it is difficult to say what is and what is not the real man. Yet one question we can deal with clearly and simply, does this wide study of human life, this close, scientific analysis of souls, bring him joy, delight, a full contentment in his work? And our answer is immediately, no. The records of his conversation in the Journal of the De Goncourts, though possibly prejudiced, would go a long way to prove the point, but Sainte-Beuve's own printed words are surer and more than sufficient testimony. It is not only his general scepticism, which appears again and again—"I begin to doubt once more, doubting being my strong point"—it is his overwhelming melancholy, the cruel, black ennui which seems to load his soul with an increasing burden of despair. "I have arrived at a point of absolute indifference. All that counts is that I should do something in the morning and go somewhere at night." "Why do I no longer care for nature, for the country? Why have I no longer any pleasure in threading little green paths? I know that the paths are the same, but there is nothing any more on the other side of the hedge. In old times more often there was nothing, but there *might* be something." "Ripen! Ripen! One hardens in some places, one rots in others, one ripens never!"

Must we assume, then, that joy, the natural, tranquil sunshine of Shakespeare and Chaucer, is inconsistent with the scientific spirit and attitude? Let us hope not. The sadness of Sainte-Beuve, at any rate, may be accounted for by a simpler explanation. "Like Solomon and Epicurus," he tells us, "I have arrived at wisdom through pleasure. That is better than getting there painfully by logic, like Spinoza and Hegel." A more primrose path perhaps, but full of pitfalls and byways, leading to disillusion and satiety and spiritual death. The sordid irregularities of Sainte-Beuve's celibate career had much more to do with his melancholy than had the scientific spirit, and the striking remark which he quotes from Madame Lambert finds its aptest application to himself: "*Il semble que l'âme du voluptueux lui soit à charge.*"

On the other hand, Browning managed to combine, at least

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in theory, a rugged and energetic optimism with his soul study. And if any one feels that Browning's theory was better than his practice the case of Darwin would be sufficient to show that the scientific spirit can bring joy in fullest measure. Here is a man giving his life to observation, to the study of fact, and giving it with the richest contentment, because he gives it with love. "There is always profit in loving," says Sainte-Beuve himself. Nevertheless, it is the deplorable lack of love that spoils all his study of the nineteenth century. "Everything palls," he tells us again, "except the pleasure of understanding." But mere understanding, without love, is pale and stale and wearisome. With love the naturalist of souls must find inexhaustible delight. What a field is his compared to that of the other naturalist! Instead of species, the infinite diversity of individuals. Instead of the remote affinity of animals and plants, the study of his nearest kin, the study of himself; for is not every human passion and pain and ecstasy and misery yours and mine?

Well, we stand on the threshold of a new century. What will be its key-note, as against convention in the eighteenth century and in the nineteenth, nature? It is hazardous, indeed, to guess, but would not a possible suggestion be authority? The nineteenth century was, above all, an age of knowing, and by the wonderful irony of fate it ended logically with an enormous and universal ignorance, even formulating that ignorance in a definite philosophy, agnosticism. The twentieth is bound to cut the knot by doing, and, oddly enough, it starts with a philosophy of its own, pragmatism, which philologically means doing and theoretically seems to preach just that authority I have suggested above.

But, in any case, the profound Hegelian doctrine, to which I alluded in beginning, teaches us that the new age, even when it involves reaction, must gather into itself the important elements of the age preceding. The splendid effort of the nineteenth century, its struggle for knowledge, its vast investigation of nature, cannot be lost, above all, its tranquil, tolerant, patient scientific spirit. And I believe that, as the years go on, the world will find the manifestation of that spirit quite as much in the "Lundis" of Sainte-Beuve as in "The Origin of Species" and "The Descent of Man."

GAMALIEL BRADFORD, JR.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE SOCIAL IDEAL AND THE CHRISTIAN CHURCH.

BY BISHOP CHAUNCEY B. BREWSTER.

In a former paper the writer presented some considerations touching the democratic ideal and the Christian Church. That subject it were impossible to consider to-day without taking account of the social quickening that characterizes the present age. The eighteenth century had its issue in the stormy assertion of individual right. The French Revolution was the catastrophe and cataclysm which marked the close of an epoch. There is not a little to bear out the contention of Mazzini, which he began as early as 1835 in a French Review, that the Revolution was "a practical summary of the conquests of the past, not a programme of future conquests." It is true, Mazzini also wrote: "The Revolution was directly descended from Christianity, . . . Christianity is the Religion of the individual." This gross misconception quite ignores those social characteristics which are essential to Christianity and find embodiment in the very institution of the Church. The French Revolution, however, in its attack upon authority, proceeded upon the accustomed atomic and individualistic lines. Vague presentiments of the future there doubtless were. But the great principle of the coming age, association, was "an idea unknown to the official inspirations of the Revolution." The brute force of individual rights was "the one formula of every Assembly that controlled the Revolution."*

Individualism survived into the following century and found manifestation in the "Manchester School" with its doctrine of *laissez-faire*. But there prevailed a signal reaction. The nineteenth century, as a whole, was marked by the principle of association in nationality. Instances we see in Greece, Austro-

* Mazzini: "Thoughts on the French Revolution of 1789."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Hungary, United Italy, these re-United States, Germany, the Balkan States and Canada. As the nineteenth century was marked by political co-operation so the twentieth century is thus far occupied with social co-operation. The pendulum has swung far over from the individualism of a former time. Moral progress always involves a finer sense of right and justice, and the growing social sensitiveness is evidence of a progressive age. The added weight of emphasis upon social relations is the pressure of the finger of God, the insistence of the Spirit of the living God urging forward to better things.

We are evidently in a stage of transition. The questions at issue would seem to touch the rate of progress and the final goal. Undoubtedly there is to be a considerable enlargement of the functions of government. Some will think the wise and reasonable attitude is to welcome State action so far as it promises to help, and to oppose it so far as it seems likely to interfere with the free development of manhood or womanhood in the nation. Others will think that the present system of wealth distribution is so far incompatible with justice and right that it must be done away with and give place to the collective ownership of productive property and administration of industry in a co-operative commonwealth. We are certainly moving. The question is how fast to go and how far, and whether it is better to proceed by methods of evolution or revolution. At all events, it is impossible to mistake the prevailing tendency of the age. Political problems now inevitably include social factors. There are social programmes taking on some of the characteristics of a religion.

We well may hesitate to plunge into the revolutionary scheme proposed by Socialists. In the first place, there recurs the old question between things visionary and things practical. The need of the latter, in fair measure, is suggested in the familiar rhyme:

> "She took in sewing,
> To keep things going,
> While he reformed the world."

Grave problems are not to be solved by clever theories and fine sentiments and brilliant hopes. The rainbow that spans the cataract will not serve as a bridge to cross the chasm. To deal with stubborn facts there is need of something substantial and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

practical. To elevate social conditions there must be a firm fulcrum; and that is found not in things as they ought to be, but in things as they are. It is easier to pull things to pieces than to put them together again, especially if it be an exceedingly intricate fabric the construction whereof is not thoroughly understood in every detail. In the proposed programme many things are to be considered. For instance, what kind of men will obtain control of such tremendous power over the industrial life of a whole people, over the daily doings and the destinies of each and every individual?

Were it not better, in attempting to improve the vast mechanism of society, to go, as it were, step by step, making each readjustment or change in the machinery as it is seen to be necessary, and thus to proceed experimentally with a view to how it works? Such procedure may be stigmatized as opportunism. But it is in that way that the movement of democracy has advanced in England,

> "Where freedom broadens slowly down
> From precedent to precedent."

Indeed, so far as Socialism should make the sphere of personal liberty too circumscribed for it to live and move in, so far would it be at variance not only with the democratic ideal, but also with Christianity and that freedom for which Christ made us free. The social character of Christianity it is impossible to overestimate, because there the social never gets away from the personal. Christianity, while never individualistic, is always personal. It recognizes that persons are the stuff of society and that social strength must be made up of personal tissue. It is a question to be asked and answered whether the Socialistic scheme, if carried into effect, would tend to the degeneration of this personal tissue or no, whether it would be favorable to the development, or tend toward the withering by atrophy, of those characteristics of self-reliance, industry and thrift, and that energy in initiative and sustained endeavor, which are the very fibre of robust personality and, as such, essential to the vigor of the commonwealth.

Again, Socialism puts all the stress and strain of social regeneration upon the State. But the State is not the only social institution. Before the State comes the Family as the true unit of society. So far as Socialists assail the sacred integrity of the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Family, so far has the Church a witness to bear on behalf of the Family as the basis of society, as furnishing the norm of social relations and as God's primary school for training therein.

As against a merely materialistic Socialism the Christian Church is to bear witness to the moral and spiritual purposes and destinies of human personality. With liberty won, the question remains, liberty for what? The free man is a force set free—for what end and purpose? So far as the Socialist scheme is limited to material welfare and confines its appeal to considerations of self-interest, there might be question whether it be not a subtle expression of individualism, a turning up of the reverse of the same medal with as selfish a stamp. The Christian motive appeals to something quite above any sordid self-regard. The Christian purpose for personality aims at something higher than a general average of physical well-being and comfortable mediocrity. With this motive and this purpose, with its appeal to the high and heroic in human nature, the Christian Church is equipped to arouse corporate enthusiasm as no other agency could.

Furthermore, the Socialism that claims to be scientific and self-consistent is professedly based upon class antagonism. This is avowedly insisted upon as a cardinal doctrine involved in the nature of things, as a necessary law consequent upon an inevitable conflict of interests between employers and employed. This ground, it is true, has been departed from more or less widely by some recent writers; for example, certain of the Revisionist school of Socialists. Such departure, however, is not generally recognized as consistent with logical and genuine Socialism. Representative exponents of the system continue with no less emphasis to insist upon the "class war."

Here the Church of Jesus Christ has a witness to bear and a message to deliver. Peril threatens any society wherein class is estranged from and arrayed against class. Democracy cannot be healthy or safe where there is continual clash of classes. France furnishes unhappy illustration of conflicting elements. An evident need in democratic society to-day is of something that shall bring opposing elements together and bind man to man and class to class. The Middle Age guilds played a great part in drawing together the people of a town. It is not long since here in America master and men and apprentices worked side by side.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

New conditions of industrial life have taken away that personal contact which is a wholesome thing for humanity. In modern society the evil is intensified by the specialism which divides men one from another and shuts them out from much mutual sympathy and community in thought. Science may tend toward a common level in the physical and material order, bringing accessories of comfort and convenience within the reach of the many. But as differences here disappear, there rise invisible barriers that more and more separate class from class. This insidious spirit of caste science does not withstand, being itself selective rather than democratic.

The menace to society and to the democratic ideal in the estrangement and antagonism of classes must be confronted by Christianity. Nothing else has the requisite inclusiveness and moral compulsion. Christianity is concerned with personality. But its revelation is a disclosure that personality implies more than mere single individuality. Its great purpose is personality taken up into brotherhood and corporate fellowship. Because it is personal it is, moreover, social. It means that, as John Wesley said, "ourselves and others cannot be put asunder." Christians must not be content to accept any doctrine of an irreconcilable conflict of classes. In its long eventful history the Church has brought to bear upon the world influences of emancipation and uplift, for example, on behalf of the slave, woman, the feudal serf. But it has for its mission not only to break yokes, but also to bring men together and hold them together in their freedom.

A watchword of revolution has been: "Liberty, Equality, Fraternity." But in France an artificial equality which ignored personality made a hideous farce of fraternity and of liberty a most tragic travesty. With less talk about equality and more fraternity, liberty to-day might be largely left to take care of itself. A half-century ago John Stuart Mill said: "But society has now fairly got the better of individuality."* We have seen, however, that it is still possible for individuals to get the better of society. We are learning the need of that genuine fraternity, brotherhood between man and man and between class and class, that finds in any advantages of man or class only enhanced opportunities of service to the common weal.

There is already, among the masses of wage-earners, something

* "On Liberty" (published in 1859).

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of a passionate fellow-feeling. Let a like fellow-feeling of humanity move, as I believe it is more and more moving, those at the top, to hear the cry of those beneath and look upon their burdens, and we may hope for a growing passion of brotherhood that shall be mightier than hatred and strife, and make for righteousness and peace and loving service.

To this brotherhood the Church cannot help bearing a certain witness, because its essential constitution transcends all distinctions of class, caste, race or color. Its great sacraments are signs and seals of brotherhood, of birth into one household, of fellowship at one Father's table. This inevitable witness in ideal the Church is to make actual, positive and inclusive. There ought to be no possibility of mistake regarding the attitude and spirit of a Church that has been teaching each of its children, along with his duty towards God, that his duty towards his neighbor "is to love him as myself, and to do to all men as I would they should do unto me." Such an attitude and spirit would surely prove effective to work wonders. There should lie our hope and endeavor, not in the perpetuation of class antagonism, but in finding some principle that should, instead of sundering, bring closer together interests that now seem opposed. Said the labor leader, Mr. John Mitchell, at Yale last year: "If I were asked to propose a solution of the whole vexed problem of modern industrial life, I should unhesitatingly advise a literal application of the Golden Rule." Those be weighty words. In that attitude and spirit Christian effort might reasonably be directed toward making the combinations both of labor and capital a beneficent enginery to advance the brotherhood of men.

The Church of Christ cannot identify itself with the Socialistic scheme. In nature and purposes that scheme is economic; the Church is spiritual and personal. The Socialistic scheme for society aims at the economic transformation of environment. The Church's aim is the spiritual transformation of the persons that make up society. Socialism aims at reconstruction through revolution; the Church at progressive reform through evolution. They work on quite different lines.

This diversity, however, in aim and operation does not necessitate antagonism in spirit. While the Church of Christ, following His example, will not identify itself with any political or semi-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

political scheme for a revolutionary destruction and new construction of the fabric of society, it ought not to withhold genuine sympathy with some things to be found in the movement known as Socialism; for example, its frank and fearless facing of evils, and, again, certain principles like the superiority, so eloquently argued by Mr. H. G. Wells,* of the spirit of service over the spirit of gain. Especially will be discerned hovering above the general movement a certain ideal. For we have now not the democratic ideal alone. From the seething ferment of our time slowly has been emerging the social ideal, which is taking shape before our eyes. This ideal, brooding over the chaos of the age, beckons on to some better thing God has for men.

In this social ideal there is involved nothing that is unreasonable. It means at the outset simply a recognition of certain things, namely, sufficient food and raiment, decent housing and time enough to rest and to think, as the normal inheritance of humanity. It means refusal to be content while large numbers of human beings here in our midst have not these things; while, for instance, little children come famished to school, and while other children toil through the hours when they ought to be at school or in the night hours when they ought to be asleep, and while the wages of any working-women are so low as to involve fierce temptation to sell their sacred honor. The social ideal is, after all, simply that Christian ideal, of the personality in all sorts and conditions of men, now with more imperative cogency compelling loyal and large-hearted endeavor that it shall be in completer fulfilment realized.

If it be true that Christianity in principle means not individualism, but solidarity, if Christianity, while not ignoring personality, yet has, as its ideal, personality fulfilled in social relations, then, in a time like this, of transition from individualistic principles and ideals, the Church of Christ has plainly before it a task in the world. It is no time to yield to that old besetting temptation to hold aloof from contact with the world. The sociological trend of thought and life to-day is a realization of essential characteristics of Christianity and makes rightful demand upon Christians.

Certainly the Church is to refrain from seeking to allay the restlessness and fever of social discontent by administering any

* "New Worlds for Old." Chap. V.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

anodynes that superinduce social lethargy. Its plain task is to heal, tone up and invigorate the social system, to quicken and guide those social promptings and aspirations, and make men know assuredly that democracy means the wider opportunity and the larger obligation with respect to social service. For accomplishing this task the Church has no mere maxims: it ought to bring to the ferment of social discontent and strife the Spirit of Jesus Christ.

It should be evident beyond question that the Church is bringing the Spirit of Jesus Christ. That would require that it be itself thoroughly possessed by that Spirit. The problem that immediately confronts the Church is not to Christianize Socialism, but first to socialize Christians, until their ideal principles shall be real and ruling principles, until they obey the rule of principle and not contentedly rest in sentiment. For instance, the sentiment of pity for misery does not suffice when there is appeal for justice on the ground of wrong. That is an appeal to which the Church corporately, and Church members personally, cannot afford to be deaf and irresponsive. Nor must there be repose in any abstract sense of justice or vague generalities and commonplaces about just dealing or mere vaporing indignation against wrong. There is need of definite application of the Ten Commandments to life and society, the seventh and eighth as well as the sixth; nor should it be forgotten that one of the commandments forbids covetousness. It is for the Church with prophetic voice to rebuke covetousness and greed of gain, selfishness and injustice as sins.

It is for Christians to endeavor to translate the social ideal into actual conditions. Their Christianity is to be definitely applied in specially directed effort against particular and concrete ills and wrongs. Our Lord upon earth dealt in no vague spirituality out of relation with men's actual life and the ills they were suffering. There is a lesson to-day to be learned from any movement, so far as it manifests definite aims and directed effort against concrete evil, and so far as it manifests faith in the possibility of redressing wrongs and remedying ills, faith in the *possibility* of progress in social relations and conditions. Then, confronting the possibility, is all the latent personal power in the membership of the Church. Thence ought to go forth what dynamic energy to deal with certain evils, for instance, the wicked

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

waste of life in child labor! In questions touching humanity the Church is not to be a hindrance to progress. Christ's people are to be lined up on the right side of such questions, in support of reasonable legislation and reform. An example of definite dealing with concrete ills, at any rate so far as to face the actual problems, may be found in the Chicago diocesan report of 1909 on Social Service.

The Church of the Son of Man is for man and nothing that is human should it deem foreign to itself. Its sphere is as wide as the life of man and includes the range of his social and industrial life. Failure here means betrayal of trust. To such failure is to be attributed the indifference to the Church on the part of many working-men. The masses of the wage-earners have respect for Jesus Christ Himself. Still they will cheer His name. Still His personality is potent. Still He draws men to Him. If men are alienated from the Body which was to do His work in the world, it must in some measure be through the fault of that Body. The Church is not always clear as to social injustice. The Church has not always been the champion of the poor and oppressed. The Church has sometimes regarded not the wrongs of the poor, being blinded by the god of this world. The Church is not manifestly before men's eyes a spiritual republic, the commonwealth of man.

If the Church is to leaven twentieth-century democracy and preserve what is good therein, we have freely to recognize, and to endeavor, so far as in us may lie, to realize, the democratic and social ideals as bound up with genuine Christianity, as ideals whereunto the Church must be loyal, if it would deserve the names Christian and Catholic. Yes! The Church needs these ideals to keep it true to Him who loved to call Himself the Son of Man. Democracy needs the Church to save it from becoming worldly, materialistic, selfish and base. Let the Church be true to the design of its Founder, loyally and worthily bearing witness to these principles wrapped up with the revelation committed to its trust and the mission given it to accomplish; and let democracy be thus won by the Church to consecrate itself to Christ's inspiration and guidance onward and upward: then we may hope, and in hope work, for the new earth wherein shall dwell righteousness and peace and joy.

CHAUNCEY B. BREWSTER.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE INSURGENT MOVEMENT IN CONGRESS.

BY VICTOR MURDOCK, M.C.

THOSE who have been designated popularly as "Rules Insurgents" in Washington are moved to protest by a very simple provocation. They have never been strong numerically. They have never had more than the most temporary organization. They have never held out the hope of reward to recruits. Each member of the band has suffered loss in committee preferment in the House of Representatives by reason of his attitude. They have been defeated frequently. Yet none of the discouragements they have met has dispersed the group.

Why does it hold together? Because the provocation which has led them into protest is fundamentally just, and every man in the movement recognizes that his cause is greater than he or his associates, and that the idea which has claimed him as its follower will, if need be, march on without him or his fellows; indeed, without a following at all. Coupled with this belief is the conviction that the march of the idea must end in ultimate triumph, victory coming immediately public opinion is fully informed.

If the protest of these so-called insurgents were a struggle of those who have not against those who have, it could not display this vitality. If it were a contest of those who are out against those who are in, its dissolution would have taken place long ago. It is neither the one nor the other.

It is, on the contrary, a struggle of a group, not against another and larger group, not against a faction or a man, but against a perverted legislative system. The system under attack is not wholly peculiar to the Federal Congress. It is known in small degree to ward caucuses, town meetings, State conventions, State Legislatures, conclaves of fraternal societies and assemblies of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

other organizations having parliamentary procedure. But the perversion of the system has reached its climax in the House of Representatives. There its oppression is heaviest and there it was the most natural thing in the world it should meet its first serious challenge.

The system under attack has the evil portion of its life in the successful denial of vital participation on the part of the majority in constructive legislation. It has perverted the instrumentality of cloture, originally intended to expedite the business of a congregation of men, into a method for preventing the majority from recording its desire. For cloture in the House of Representatives has ceased to be used merely for bringing a question to a concluding and deciding vote; its greater office has been to force the majority not merely to conclude the consideration of the question by a vote, but to fashion and determine the very nature of the question itself by that vote. There is a mighty difference.

To give a concrete instance: the recent tariff bill was reported out of the committee into the House. Cloture was applied for one purpose, generally understood and endorsed, that is to expedite the measure and force its consideration with despatch to a concluding and deciding vote. But cloture was applied for another and far more weighty purpose, not generally understood, to make the tariff bill what those who dominated the committee which reported it, wanted it to be, and to prevent the majority of the House from making the bill what the majority wanted it to be. The committee which framed the bill had access to every item of the thousands in the tariff measure. The committee could change any one of the items or all of them. The House itself under cloture could change but five items in the bill: barley, barley malt, lumber, hides and petroleum.

Now as possession is nine points in law, initiation is nine points in legislation. The man who frames a measure has a great advantage over those who would amend it. This advantage becomes complete when, through cloture, all right to amend the measure is denied. The deciding congregation of men are then asked to vote up the proposal as a whole or reject it. It cannot be known to the great body of American electors that most of their major legislation is passed through the House of Representatives in this way. It may be well to cite another instance. The Aldrich

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

emergency currency law had its origin in a currency famine in October, 1907. Congress assembled in the following December. The pressure of public opinion upon Congressmen was general in the form of a popular insistence that provision be made for an emergency currency to be used in similar crises. The Aldrich idea was broached. The expression of the members of the House was overwhelmingly against the Aldrich idea. Thereupon another idea, the Vreeland plan, was born. It was acceptable to the House, which passed the Vreeland bill and sent it to the Senate. In the Senate the Aldrich idea was attached in its entirety to the Vreeland bill and both plans came back as a single bill from the Senate. The session was drawing to a close. Notwithstanding popular demand, Congress had passed no law meeting the necessity of emergency currency. Cloture was applied, the right to amend the Vreeland-Aldrich bill shut off and Congressmen were told to accept the Aldrich idea, which they did not endorse, or return to their people without any response whatever to their demands. Congressmen accepted the Aldrich idea, under duress, and passed the bill.

Now those who are called insurgents are not against cloture. They are for the despatch of business, and in a large body of men debate upon occasions must be limited. But they do not endorse cloture when it is used, not to expedite public business, but to exclude the majority from vital participation in the construction of major legislation. Their exclusion from such participation is at the bottom of their attack upon the system. Their impeachment of the system arises because the right of representation, in the sense of vital participation in constructive legislation, has been monopolized by a few men and finally lodged in its entirety in the person and office of the Speaker.

If I can, I would like to convey to the man who has had no Congressional experience the extent to which this transfer of power from the House itself to the person and office of one man has gone. The right to representation in the House is not wholly an affair of the individual Congressman. It is primarily a right that belongs to the 200,000 people in his district. Whatever his personal feelings in the matter, he ought to have a keen regard for the function of representation as it is related to the people who have delegated him to act for them. Many representatives do. The great majority of men who come to Congress bring

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with them an abiding faith in the good sense and justness of the people. They have come to know the mass of electors as individuals who are hearty in their commendations and slow in their condemnations of public servants, and of infinite patience in public affairs. Faith in the people is a cardinal tenet of representatives newly come to Congress. But the new representative finds, after the blindness of his first confusion, that the 200,000 people who have sent him as a representative are to have no vital participation in the construction of major legislation through any exercise of his representative functions. He may voice his sentiments endlessly: he may vote "aye" or "no" on a proposition of importance. But he cannot amend it to his own liking; he cannot even offer those about him the opportunity to vote up or down the change he would propose. His next step is one of humiliation. He may personally petition those who have the privilege of amending the proposition within the secret committee which is constructing the bill. But when he takes this step, it is with the thought that the constituents who sent him to Congress delegated him as a representative and not as a petitioner. If he swallows his humiliation and becomes personally a suppliant before a committee, he finds at last that the power of initiation, the power that is nine points in legislation, is not in the committee, but in that part of the system which creates the personnel of the committee—the Speaker of the House.

If he does not succumb to the system at this point and surrender his desire to go further into the mysteries through which popular representation has been distorted into an autocracy, he will continue his investigation and the next step involves analysis. Granted the Speakership has taken to itself the power of the individual membership of the House, how is it lodged and how exercised? The power which has been shifted from the House to its presiding officer becomes in the Speaker twofold in character. It is personal and official. This circumstance gave origin to the phrase, which has become a popular definition, "Cannon and Cannonism." The Speaker exercises his power personally in selecting favorites for important committees and punishing others by assigning them to poor committees; by making up committees of men who agree with him on certain phases of important pending public measures; by placing upon measures which are to be pushed through under cloture the imprint of his personal idea;

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

by extending recognition on suspension day to those he desires to favor. He exercises his official power by his control over business. He may permit consideration of a measure or prevent its consideration. This he does under the rules and in particular under three rules, one of which bestows upon him the chairmanship of a very small but most important committee called the Committee on Rules, another which gives him the right of arbitrary recognition and another which permits him to name not only the standing committees, but to designate the chairman of each committee. No one could differentiate distinctly between the use of the Speaker's personal power and his official power in all transactions. Ordinarily the Speaker uses both, and a diminution in either of his powers perceptibly weakens him in both.

The service of the Speaker on the Committee on Rules is important to the office in this. The committee has as its chief function the right to apply cloture, to put through the House a concrete measure without permitting the House to amend it. The Speaker dominates the committee. He decides upon the form of the measure and is its chief advocate. And then when it is put before the House, he mounts to the Speaker's chair as judge of the court before which the trial of his own measure is to proceed.

The power of the Speaker in recognition, when it is fully understood by the public, must be astounding. Every man who has served as a delegate in a ward caucus, fraternal society convention, conference or other conclave knows that there is an arbitrary element in the presiding officer's power of recognition that may not be eliminated and which is often used selfishly and to further some concerted and often secret prearrangement. If two men in a meeting rise simultaneously a presiding officer must name arbitrarily the man who is to speak first. There is no help for this, and a great many people think that this is the complaint against the Speaker by those called insurgents. But this is not the complaint. Under the rules and the voluminous precedents which have grown up under them, the Speaker may refuse to entertain a motion by a member when the member has no competitor for recognition and when the member asking recognition is in order. The formula in use on these occasions, and they occur on days when it is in order to suspend the rules, is the ultimatum by the Speaker, after he has heard the motion of the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

member seeking recognition: "The gentleman is not recognized for that purpose."

The power of the Speaker in naming committees is that which accrues to any form of close military organization. The Speaker is the general of the House and the chairman of committees are his field marshals. Control runs not upward from the members to the Speaker through the chairmen of committees. It runs downward from the Speaker through the chairmen to the members. There have been many occasions when the magic words, "The Speaker wants this measure passed," passing electrically through the House, saved the day for a bill, as, conversely, there is one known instance when a majority of Congress petitioned a Speaker to permit consideration of a bill and were denied.

Now those who are called insurgents desire (1) to make the Speaker ineligible to a place on the Committee on Rules; (2) to take away the power of the Speaker to refuse recognition when recognition is in order and there is no rival for the floor when a member asks it; (3) to have the House itself select its own standing committees. There is no effort by the insurgents, and there has been none to do away with any of the procedure which makes for expedition in public business. The power of closing debate is not to be touched. The Reed rules against dilatory motions and for counting a quorum are to be left undisturbed. The means to overcome a filibuster and proceed to a final vote on all measures will stand in all its efficacy.

It is proposed that the Speaker shall surrender his monopoly in legislative initiation; that he shall give up a control that cuts the convictions of representatives to fit the irregularities of his personal caprices; that he shall lose his power, be it personal, official or both, which enables him to block and delay public business through the device of the pigeonhole, refusal of consideration and the postponement of mandatory bills. But most of all, it is proposed to give back to the membership of the House the right of vital participation in legislation, the privilege of reflecting, not the wish of the presiding officer, but the wish of their constituencies.

So often attacks upon existing systems which have the prestige of long existence are fanciful that I would again repeat. It is not proposed by those called insurgents to run the House without rules; it is no part of their plan to do away with the previous

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

question which stops debate when a majority so wills; it is not intended to abolish the Committee on Rules which can compel immediate action upon concrete propositions; it is no part of the changes proposed in the rules that the Speaker shall be compelled to recognize a member when the member is not in order in asking recognition; it is no part of the correction sought by the insurgents that a way shall be opened for the minority to obstruct and delay public business; it is not asked that the Reed rules, which prevented filibusters, be relegated; it is not designed by any one that any changes shall give the individual member such power as would enable him to block or embarrass orderly procedure.

There is no attack upon the procedure for the despatch of business. The attack is upon that part of the system which denies vital participation in constructive legislation by the membership of the House. The attack has one purpose in view and one purpose only: to make the House of Representatives what it was designed in the Constitution it should be, what it must be, if it is to be responsive to the genius of this democracy and in harmony with the spirit of progress of this people, representative not only in name, but representative also in fact.

VICTOR MURDOCK.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CONTEMPORARY MUSIC.*

BY HORATIO PARKER.

A FAMOUS orchestral conductor once told me that he was glad he should be dead in fifty years, so that he should not have to hear the music of that time. It is needless to say that he was conservative, but it should be stated that he was and is one of the best-known and most efficient conductors we ever have had in this country. Although his remark is typical of the critical attitude of many who have to do with new music, yet it does not in the least represent the attitude of the public, which is interested and pleased as never before with the music of our own time. There have always been people to declare that the particular art in which they were interested, at the particular time in which they lived, was going to the dogs. And there seem to be peculiar excuses for this belief in music-lovers just now. But there ought to be some way of reconciling the pessimism of the critics and the optimism of the public which finds eloquent expression in the buying of many tickets. By critics I do not mean merely the journalists. These have been so often so rudely shocked that they not only fear to tread, but fail to rush in, and at a first hearing of new things are fain to give forth an uncertain sound which may be taken for approval or the reverse in the light of subsequent developments.

The pursuit and enjoyment of music call for the exercise, on the part of its devotees, of three principal functions widely different. These are the functions of the composer, the performer and the listener.

The composer is the source and motive power of all art music, the producer, who draws his inspiration from the recesses of his inner artistic consciousness, whose desire and aim is to realize

* Written to be read before the American Academy of Arts and Letters at Washington, December 14th, 1909.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as well as possible the ideals with which his brain is filled. He seeks to give expression to musical ideas which shall call forth sympathetic feeling in those to whom the utterance is addressed. Although in some cases it is apparently meant for an ideal audience which has as yet no existence, yet if the utterance be true and skilfully made it will in no case fail of audience or of effect even though the time be delayed.

The second function necessary to the practice of music is that of the performer or reproducer. This activity is closely allied to the first, which is in truth dependent upon it. It is of high importance, and in ideal instances may be artistic activity of a kind hardly lower than that of the composer, but it is quite different in character. This also is at root, a manifestation of a desire for utterance, of the craving to awaken sympathetic feeling in others; but it is different in that it seeks and gives expression to ideas which are already in existence. The composer seeks those which do not as yet exist. The performer gives utterance to the thought of another, the composer to his own. But the work of the performer is the only actual embodiment for most people of the results of the first function, and he frequently clarifies and enhances the composer's work in a measure beyond expectation. It calls for self-control as well as for self-abandonment, for sympathy in the highest degree and a twofold sympathy—with the composer and with the audience; and for personal magnetic power to such an extent that it is no wonder, but perfectly natural, that people should frequently, even usually, lose all sight and sense of the composer or producer, who is remote from them, in admiring the work of the reproducing artist who is always near to them.

The third function is equally important with the other two, but more different from them than they are from each other. It is that of the audience or listeners. This function is largely misunderstood and usually undervalued. It is the exact opposite of the other two essentials of music-making in that it calls for receptive activity, if one may so express it, for intelligent, passive sympathy. This sympathy of the audience is the mark at which both composer and performer are aiming. It has no public or open reward, but well deserves one. Audiences certainly should receive credit for a good bit of intelligent listening, but it is hard to know just how or when to give it. The quality of sym-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

pathy is intangible and difficult to appreciate. To most audiences it seems unimportant whether it be given or withheld except in so far as they applaud or not. And it is often hard to identify or recognize. It is quite impossible to know whether a smooth, impassive, self-restrained Anglo-Saxon face hides the warmest appreciation or the densest ignorance or indifference. They frequently look just alike. Nor can one ever tell whether the heightened color and brightened eyes are caused by the long hair and hands of the performer or by beautiful music. A particularly good luncheon or dinner preceding the concert might have the same outward effect. So the successful listener is a mystery in some degree, but a pleasing and very necessary one. His work is as important as that of the composer or performer, and his rewards are none the less real because they are not counted out to him in cash, because he pays and does not receive a tangible medium of exchange. They lie in the doing of the thing and in the conscious self-improvement which is the result of his effort.

In speaking of modern music we can omit personalities concerning classical composers. Their works fall entirely to the exercises of the second and third functions mentioned; but since the bulk of contemporary music is by classical composers, it may be well to speak briefly of the attitude of performers and audiences toward music of this kind. In an ideal world the performer and the listener would have the same kind and degree of pleasure in music except in so far as it is more blessed to give than to receive. It may be laid down as a general principle that performers of classical music have more enjoyment than listeners. Palestrina is a pre-classical composer with distinct limitations, and it is quite reasonable that he should appeal under ordinary conditions to a small audience, and to that imperfectly. He is a religious composer, and most audiences prefer to keep their religious feelings for Sunday use. He is a composer of church music to be sung in church, so that his work must miss its effect in a modern concert-room. We have very few churches in our country fit for the performance of Palestrina's music. I know a jail or two where it would sound wonderfully effective, but there are obvious reasons for not going so far in the pursuit of art as this remark suggests. It follows, therefore, that Palestrina in a concert-room is enjoyed by the average listener only by means of a lively exercise of the imagination with frequent, perhaps un-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

conscious mental reference to what he has read or heard about it. If there is enthusiasm it is surely for the performers, because the music itself is so clear, so pure, so absolutely impersonal, that it is hardly reasonable to expect it to appeal to the listener of to-day. He is too remote from it and should not think less of himself because he does not feel an immediate response. In proper circumstances, in a real church, he would surely respond at once. For this music is the summit of a great wave of musical development. Nothing exists of earlier or later date which may be compared with it. It is ideal church music, ideal religious music; the greatest and purest ever made; and it can never be surpassed, for we have gone by the point in the history of the art at which such effort as Palestrina's can bring forth such fruit.

The public attitude toward Bach is much more natural and unconstrained. He is nearer to us, and is an instrumental composer. Although in somewhat archaic terms, his music is personal expression in a much higher degree than that of the absolutely impersonal Palestrina. Then the vigor, the life and animation which inform the whole texture of his work are so obvious that we cannot miss them. And, again, in his greatest work the feeling of design is so clear, the upbuilding and the resulting massiveness are so faultless, that the devout and habitual lover of music has the reposeful and at the same time exciting conviction that it is the inevitable which is being heard. Enjoyment is easy even to the unlearned. In those works which are less massive than the greatest the pleasure we have from Bach is more subtle, more refined and perhaps less acute, but we always feel that we listen to a master. Bach gives, perhaps, the highest satisfaction in his chamber-music. Much of his work is so very intimate that we find the balance of expression and form most easily when we are near enough to hear every note. The church cantatas in church, the great organ works in a comparatively small place, or the orchestral music in a hall of moderate size are among the keenest enjoyments for performers and audience. Applause, if it is given, must be for the performers or for their work. The compositions are above approval. It is like speaking well of the Bible to praise them.

In the work of his contemporary, Handel, whose texture is less purely polyphonic and instrumental, the enjoyments of performer and listener come nearer to a point of coincidence. The audi-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ence can love it more nearly as a performer does. We feel that the vitality in Handel is of a more human kind; that it is nearer our level, less supernal; but it is convincing and satisfying even when most popular, and is not disappointing upon intimate acquaintance, even though it lack the nearly superhuman fluidity and the marvellous texture of Bach.

The music of Beethoven is so well known, so frequently heard and so clearly understood that we may take it for granted and go on to music which is modern in every sense; made in our own time and addressed to our own personal feelings. Our present-day music is twofold in character, a direct result of the labors of Beethoven and his successor in pure music, and of Wagner and the romanticists in music which is not absolute. The symphony or sonata form is now archaic in the same sense that the fugue is archaic. Beautiful music may be, will be made in both forms, but that is no longer the general problem.

It is probably true that since the four symphonies of Brahms, no symphonic works carry the conviction of the symphonic poems of Richard Strauss. Although these are cast in a modification of the symphonic form of Beethoven, they always have a psychological basis or original impulse outside of music. They are intended to characterize in musical speech or language things which can only by vigorous effort be brought into any connection with music itself. The question naturally arises, Has the power of making absolute music entirely disappeared? I am loath to think so, but surely the practice has dwindled in importance.

We need not be concerned to examine these extra musical bases. Granting them to be necessary, one is much as another. But that is just what many are reluctant to grant. Many are brazen enough to enjoy programme music frequently in spite of, not on account of, the programme; and some people prefer the advertisements which are usually in larger print. Both save thinking. But what most critics object to is not the underlying programme. The commonest criticisms which we hear of strictly modern music charge it with a lack of economy, amounting to constant extravagance, a lack of reserve, amounting almost to shamelessness, and a degree of complexity entirely incomprehensible to the average listener, and, if we are to believe careful critics, out of all proportion to the results attained. Of course economy is a great and essential virtue in art, but it is not incompatible with

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

large expenditures. It depends on the size of the fund which is being drawn upon. Nor is explicit and forceful utterance incompatible with reserve. As for complexity, it may sometimes be beyond the power of any listener to appreciate. Perhaps only the composer and the conductor can see all the subtleties in an orchestral score. But is such complexity a waste? Not necessarily, for good work is never wasted. Although beauties in a viola part or in the second bassoon may not be obvious to the casual listener, however hard he may listen, they are not necessarily futile. They may, perhaps, be noticed only by the composer, the conductor and the individual performer, but they are there and they constitute a claim on the respect and affection of future musicians. If the hidden ones were the only beauties they would be useless, but as gratuitous additional graces they call for approbation. But one may not admire complexity for its own sake. It is far easier than forceful simplicity.

At a recent performance of a modern symphonic work which occupied an entire concert and called for nearly all possible familiar musical resources, I recall wondering whether or not it is a bad sign that a composer gets respectful hearing for pretentious trivialities and vulgarities uttered at the top of the many times re-enforced brazen lungs of an immense orchestra. There were a few minutes of exquisite beauty after more than an hour of what seemed an arid waste of dust and dulness. Meanwhile there were long crescendos with new and cruel percussion instruments working industriously ever louder and faster, but leading up time after time to an absolute musical vacuum. One's hopes were raised to the highest point of expectation, but it is not enough merely to raise such hopes. They should be satisfied as well.

It is such unsatisfying work as this which calls forth pessimistic forebodings as to the future of music as an independent art. Serious critics and essayists have made vigorous attempts to oust the music of the future from separate existence and to relegate it to the position of a human language which is to be used, when it is quite grown up to express, more or less pictorially, ordinary or extraordinary human happenings or emotions. And there have not been wanting composers to support this hopeless view. The application of pure reason to such emotional phenomena as our pleasure in music results occasionally in

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

something very like nonsense. The arts have different media of expression, but excepting the arts of poetry and literature the medium is no spoken or written language. Indeed, artists are apt to regard with some degree of suspicion one who expresses himself well in any other than his own peculiar medium. Amateur is a term of dread often applied to such men, and they are very apt to be amateur artists or amateur writers, perhaps both. It is consoling to think that all the words written and spoken about art have never yet influenced creative artists to any discernible extent. Their inspiration or their stimulus must come from within, and, after the preliminary technical progress over the well-trod paths of their artistic forefathers, which progress no great artist has ever yet evaded or avoided, their further advancement is always by empirical and not by logical processes; not logical except in an artistic sense, for logic in art, although very real, is not reducible to words until after it has already become an accomplished fact through empirical or instinctive practice.

The opera is just now the largest figure on our musical horizon, and opera, always responsive to the latest fashion, has undergone very important typical changes of late years. "Salome," by Richard Strauss, for instance, is more an extended symphonic poem than opera in the older sense. It is as if scenery, words and action had been added to the musical resources of such a work as Strauss's "Zarathustra." It is only about twice as long as "Zarathustra." Strauss's "Salome" and Debussy's "Pelléas and Mélisande" are typical modern musical achievements. In spite of the suavity and popularity of Italian operas of our time and of the operatic traditions of the Italians as a nation, they do not appear to have the importance of the German and French works just mentioned. These two men seem just now the most active forces in our musical life, and it may throw light upon the music of our own time to compare the two operas with each other. Not with other classic or modern works of the same nature; from such they differ too widely for a comparison to be useful. Old-fashioned people seek in opera a union of speech and song, and each of these two composers has renounced the latter definitely. No human voice gives forth any musically interesting phase in "Pelléas and Mélisande." In "Salome" the voices when used melodically (which is seldom) are treated like in-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

struments, and it is no exaggeration to say that song is relegated entirely to the orchestra. The voices declaim, the orchestra sings. Each opera is a natural continuation of its composer's previous work. Each is an independent growth. Neither composer has influenced the other to a discernible extent. Yet it seems impossible to find any notable work of our own day which does not show the influence of one or the other of these two men.

"Salome" is in one act and lasts one hour and a half; "Pelléas and Mélisande" is in five acts and takes three hours more or less. The difference in time is largely due to the underlying play which determines the form and length of each opera. It may be granted that each of these two works reflects conscientiously the spirit of the underlying text. The shadowy, wistful people of Maeterlinck's drama are faithfully portrayed in the uncertain keyless music of Debussy, as are the outrageous people of Wilde's play in the extravagant, vociferous music of Strauss. "Pelléas and Mélisande" as a play is perhaps the extreme of mystic symbolism. It may mean anything, everything or nothing when reduced to its simplest terms in every-day speech. The motive of the play "Salome" is frankly an attempt to shock Herod—as tough a sinner as ever was drawn. The object is attained, and it is small wonder the audience is moved. There seems to be throughout Debussy's work, to speak pathologically, a preponderance of white blood corpuscles. In our day and generation we want red blood and plenty of it, and we find it in "Salome," a whole cistern spattered with it. At its first performance in New York so much got on the stage that ladies had to be led out and revived.

There is a great difference in the matter of pure noise. Throughout the whole of "Pelléas and Mélisande" one feels that the orchestra has its mouth stuffed with cotton-wool lest it should really make a noise. Most people want a healthy bellow from time to time to show that the orchestra is alive. And in "Salome" we have an orchestra with its lid entirely removed. The hazy, indeterminate, wistful vagueness which is so much admired in Maeterlinck's poem some people resent in the music which is too much like an Æolian harp, too purely decorative, too truly subordinate. The orchestra never gets up and takes hold of the situation as it often so frankly does in Strauss's "Salome." "Pelléas" is a new sensation, perhaps a new art,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

but it is a little like looking at the stage through colored glass. Undoubtedly the play is the main thing.

The musical vocabulary of the two men differs immensely. Many admirers of the modern French school think Strauss's music vulgar because it really has tunes and because you can almost always tell what key it is in. In the French music the continual evasion of everything we consider obvious becomes monotonous and furiously unimportant after an hour or two. One longs in vain for a tonal point of departure, for some drawing, but there is nothing but color. The play in its form and vocabulary is the exact opposite of the music. Points of departure are not lacking in its construction, and the language is marvellously simple and direct.

There is now the matter of tonality to be discussed. The six-tone scale, which Debussy loves and uses so much, divides the octave into six equal parts. The augmented triad, which he uses perhaps more than any other, divides the octave into three equal parts. Both devices constitute a definite negation of tonality or the key sense. It may be that our grandchildren will not want tonality in our sense, and again it may well be that they will prize it more highly than we do. It is hard to imagine what can take its place; certainly there is no substitute for it in music, for the essence of musical form consists chiefly in a departure from and return to a clearly expressed tonality. A substitute for tonality outside of music would seem a hopeless abandonment of nearly all that makes the music of Beethoven, Bach and Wagner great to us. But to compare Strauss and Debussy. Other men might be found, but these two are most influential and both are typical. Each composer has a rich, individual, personal melodic and harmonic vocabulary; each offers new and satisfying rhythmic discoveries; each shows us a wealth of new and beautiful color. The differences in melody lie in the greater directness of Strauss's work. His tunes are sometimes garish in their baldness and simplicity. This is never true of Debussy, to whom a plain tune like the principal dance tune in "Salome" would seem utterly common and hateful. Polyphony is regarded as the highest, the ultimate development of melody. There seems to be infinitely more polyphonic and rhythmic vitality in Strauss's work than in that of Debussy.

Harmony has become an attribute of melody, and our har-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

monic sense—a recent growth—furnishes the only means we have of definitely localizing formal portions of musical structure. Total absence of form is inconceivable in music, and form implies inevitably some degree of formality. This element is always clearly present in Strauss and always purposely absent in Debussy, who steadfastly avoids the indicative mood and confines himself apparently to the subjunctive. At great climaxes Strauss ordinarily seeks a simple triad, Debussy some more than usually obscure and refined dissonance. The harmonic element in Strauss is, perhaps, less refined, but less subtle. In Debussy it is less direct and less beautiful, but quite distinctly less obvious, if less varied.

That Strauss may be a positive and Debussy a negative force in music, the one greatest in what he does, the other in what he avoids, may invite the warmest kind of dissent. After all, we cannot get on without the common things of daily life, and, admitting his occasional lapses into the commonplace, or sometimes even lower, Strauss is the most consummate master of musical expression the world ever has seen; not the greatest composer, but the one most fully able to realize in sound his mental musical conceptions. To repeat, no musician was ever so well equipped to give to the world his musical creations, and yet since he was a very young man he has produced no pure music, nothing without an extra musical foundation; and he admits frankly that he does not intend to, although many of his friends and admirers hope still that he will.

Are we, therefore, to believe that music must be pinned down ever more henceforth to its illustrative function? One prefers to think that our living composers are unconsciously intoxicated by the luxuriance and wealth of new and beautiful musical resources which have only recently been placed at their command. That the new richnesses on every side tempt them to concrete rather than abstract utterance, it may be that in the future the highest flights of composers will be, as they have been in the past, into those ideal, impersonal, ethereal regions where only imagination impels, informs and creates. Illustrative music always has one foot firmly fixed on earth; how, then, can it rise to the heavens? Although it is not yet with us, the vision will come in the fulness of time; and when it does the whole world will know and follow it.

HORATIO PARKER.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WOMAN AND DEMOCRACY.

BY BORDEN PARKER BOWNE, LL.D.

By democracy I mean the Government of the people, for the people and by the people, and its aim is to secure the largest possible life and liberty for each compatible with the highest good of all. By the people, I mean all persons of ordinary intelligence and character, both men and women, who make up the community. The true democratic doctrine is that all such persons are equally free and independent, equally entitled to the free exercise of their individual rights and equally entitled to a voice in making the laws they are required to obey.

But this ideal could not be secured at once or at the start. We have been slowly working toward it and have not fully reached it yet. Man began with a period of blind instinct and brute force and slowly groped his way into properly human conditions. It was a long and tedious process to build our race into humanity and civilization. In the beginning, when man had to learn everything, the one thing above all others essential was to have some kind of social uniformity that could be depended on. As Bagehot says, "The first condition of even the crudest society was the formation of a cake of custom." It did not matter much what it was, provided it was fixed. In that primitive state individuals had no rights and could have none until the foundations of society were laid. Social co-operation had to be learned to make any effective society possible, and in the crude condition of all things human this had to be reached and maintained by sheer force. The first lessons in civilization were given with a club, and so far as appears they could not well have been given otherwise. Thought, reflection, criticism, ideals, were to come later, after the cake of custom had been formed.

But when this work was done, then began the higher work

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of humanizing and rationalizing it, so as to make it serve the true purpose of all Government, the good of the people. That cake of custom which was necessary in the beginning had to be broken in the course of time. It was not a product of reason and hence was largely irrational. And hence again it needed to be modified and adjusted to advancing human needs. It served its purpose, but it could not endure. A crab without a shell will not live long, but a crab with a shell it cannot get rid of will not live much longer. In the same way society without a fixed social order could not endure, but a society which cannot grow is also in a bad way. If discussion and criticism begin too soon we have anarchy. If they are delayed too long we have stagnation. The progress of humanity has consisted in breaking the cake of custom and casting the shell; and the implicit aim has been to secure the rights of humanity and to lift the individual to a position of moral and political self-control. This is the meaning of the great democratic movement which has been going on and gathering force for ages. In some quarters it is complete for men, in distinction from women, and in many places it is still incomplete even for men, but the movement is gaining so rapidly that its final success is sure.

Now from this brief hint at social origins we readily understand the political subjection of women. In such a social stage, because of her physical weakness, woman was necessarily subordinate, and through the formation of religious superstitions she became more utterly subordinate still. She did not count in the conflict of physical strength and she did not count religiously. Hence for a long time a woman did not own herself, but belonged to her husband or her male relatives; and De Coulanges, in his work, "The Ancient City," has clearly traced this fact to the religious notions of early society. Here in early savagery and crude superstition we find the real source of the subjection of women.

Democracy, as we have seen, was impossible at the beginning of society. There was a time when a harsh social orthodoxy was necessary for social safety. Men could not be allowed to think for themselves, until they had learned the lesson of law and social co-operation. There must be a fixed social order as a barrier against social chaos before thinking becomes safe. But without progress the social order becomes destructive, like the shell the growing crab cannot throw off. The cave-man could not be ex-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

pected to make a social order that would be ideal, and his work must be revised to adjust it to human needs. We have now reached a time when that early social orthodoxy is to be relaxed in the interest of social progress. Not the wisdom of the fathers, but the rights of humanity and the needs of to-day are the present standard of judgment. Thus the great democratic movement begins and gathers force, and the movement for the emancipation of women is but a part of the more general democratic movement. It is based upon the same reasons and is resisted by the same arguments of conservatism, fear, social risk and so forth.

In proceeding to consider some of these arguments, I do so only with expressions of apology. Ex-Governor Long once said that he had never heard an argument against equal suffrage that would not be an insult to the intelligence of a child twelve years old; and Mr. Howells declares that there are no arguments, but only prejudices in opposition. It seems, then, like an affront to intelligence to propose to consider them. But the actual force of an argument often has little to do with its logic. Edmund Burke used to say that he was most afraid of the weakest arguments, as they commonly indicate the strongest prejudices. It is this psychological fact that makes it necessary for us to keep on repeating familiar arguments in the hope of finally winning a hearing for the truth. And first of all let us inquire what this equal suffrage means.

If we are to believe the opponents of equal suffrage the community is menaced by some fearful danger. Homes are to be broken up, domestic ties broken, woman is to be unsexed and society itself to be overturned by something called suffrage. Bugbears and intimidations of this sort are quite effective with persons of a certain class. But others, more intelligent, and with some experience of the tactics of prejudice, before giving way to shudders and alarms, bethink themselves to ask what this terrible thing is that is to work all this ruin; and then it turns out that all that equal suffrage proposes is this, namely, that women of ordinary character and intelligence who are interested in the well-being of the community and in the laws that govern it should form an opinion upon these topics of social interest and be allowed to express that opinion in a vote which should count in the making up of the social verdict. That is, it means that they should have a voice in school matters, municipal matters, matters

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of taxation, and so forth, and should have their opinion count in the public decision upon them.

Now, it does not seem that this should lead to any social catastrophe, or any great domestic disturbance, or to any unsexing of women; it rather appears to be something eminently right and proper and quite in line with the great democratic movement which gives those who obey the laws a voice in their making. If this unpleasant and rather obscure phrase about the "unsexing of women" means nothing more serious than this, only persons in an advanced stage of hysteria (for whom the bromides are plainly indicated) will be much disturbed by it. Indeed, such arguments are never to be taken seriously; they are only traditional ways of talking that run on mechanically, like a talking-machine with a speech in it. No intelligent man, when he stops to think, really believes that any social or domestic damage would be done if his wife should interest herself, and have a voice in the social questions that underlie the management of the school, the municipality, public charities, and so forth. The prominence of women in the social activities of the day is one of the most marked features of our time, and every one takes it as a matter of course, unless some one raises the question of voting. Women are already doing great service on our most important State and Municipal Boards, but, oddly enough, they do not know enough to vote. A woman is now markedly successful, in comparison with her masculine predecessors, as superintendent of the Chicago public schools, but she does not know enough to vote. The managers of our Women's Foreign Missionary Boards certainly show no less ability than the men in similar positions, but they do not know enough to vote. In social service it would often be hard to find their equals, but when it comes to voting the veriest male riffraff is superior. The Church could not endure without them, but they do not know enough to vote. The average wife manages the domestic budget quite as well as the average husband manages his budget, but she does not know enough to vote. It would seem that only a man in whom prejudice had had its perfect work could fail to be ashamed of such a position as this. He can only fall back on the conservatism of hysteria and prophecy—in the same way in which the conservative Hindu defends child marriage and similar abominations.

I have never seen any argument against equal suffrage of any

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

significance that was not rather an argument against universal suffrage, and, indeed, nicely considered, much of anti-suffrage, especially in "cultured circles," is really anti-democracy. We have all sorts and conditions of men voting now, it is said, and we cannot afford to have matters made worse by the admission of women, for then the community would be swamped in the great mass of ignorance, now all too large for the public good. But arguments against universal suffrage are irrelevant against woman suffrage. Let the suffrage be limited, if need be, but let it be limited by some rational test and not by mere accidents of sex, which have no rational connection whatever with the right of the moral person to express an opinion concerning social interests and the laws under which he lives.

For form's sake, however, we must say a word about the time-worn, but not time-honored, arguments against equal suffrage. Women are still declared, when the phonograph is running, to be unable to fight; as if fighting were the great service society demands, instead of being the lowest and cheapest of all forms of public service. Many distinguished and useful members of society would be ruled out by this test if impartially applied. The clergy, teachers, men over forty-five and a host of invalids are not included in our fighting reserve, but that does not matter. The phonograph was wound up so as to stop at women without any regard to logic. In any case we hope yet to turn the fighting over to the police and leave the ordering of society to intelligence and conscience, not to muscle. Indeed, the great peace movement, which is so promising a feature of our time, is an attempt to replace the belligerency of the human brute by the appeal to reason and conscience.

It is said, too, that we must not burden the women by adding to their already excessive loads. This sounds humane and gives an impression of masculine chivalry and also hints, with pardonable pride, at masculine vigor. Men, it is modestly suggested, spend all their time and grow gray in studying deep political problems, and they cannot consent to put burdens like these upon their already overburdened sisters. But if the good people who talk so had any sense of humor, they would certainly smile at one another, as Cicero thought the Roman augurs mutually grinned when they passed. For the fact is that the average voter does not spend very much time in preparing to vote, and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

it is not necessary that he should; for most questions, so far as the voter is concerned, demand only a small amount of fairness and honesty upon his part to do all that he can do. He must insist upon public honesty and good character and as much intelligence as possible in public men, and for the rest, except in the most obvious matters, he has to leave the decisions to the legislators themselves. And even among the legislators very few are entitled to any opinion on most of the questions they decide. The work has to be distributed among committees, which are supposed to contain some experts on the matter in question, and there is where the decisions are really made. The experts instruct the committee. The committee reports accordingly, and in very many cases the legislators accept and adopt the committee's report, with only the most general knowledge on their own part of the subject at issue. It would seem, then, that the average woman might take her place as a voter without putting upon herself any great strain. Certainly she would be fully equal to the strain endured by the average masculine voter, and it would not be difficult to equal him in character and public spirit.

But prejudice is prolific and can conjure up reasons where none exist, and anything whatever that is called an argument passes for one. Thus the noble science of Biology is subpœnaed and appears in the person of a Distinguished Professor to say that "the process of evolution is toward the differentiation of function." After this oracular utterance the Professor concludes, one knows not how, that a woman must not be allowed to express in a vote an opinion respecting the management of the schools, or the city Government, or local taxation, and so forth. The phrase is very impressive and might well impose upon the passive and intellectually defenceless mind. One feels a sense of awe before anything so imposing as the "differentiation of function," but it is exceedingly difficult to connect the premise with the particular conclusion. Indeed, one with the same logic might get anything out of the phrase—might claim, for instance, that the working-classes should not vote, because evolution proceeds through the differentiation of function, and this differentiation would lead to the handing over of Government to a privileged few. With what impressiveness a defender of caste would appeal to the "differentiation of function"! These oracles only illustrate over again Burke's weakest arguments and strongest prejudices. They are

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

not to be taken seriously, but belong to the humors of the discussion.

I have often thought that some bright woman might make a good point by considering what could be said against allowing men to vote in case the question had to be decided by the women. Thus the women might point out that the masculine sex is coarse and unæsthetic, that it is passionate, quarrelsome and given to the use of bad words. Every one knows that men are given to drink, and only recently one of their crack professors has declared that civilization would be imperilled by total abstinence! Instances might also be quoted from recent history to show men's unbalanced emotionality. Both the French and Austrian legislatures have had small riots among the members within a short time; and even the English lawmakers have not always preserved the strictest decorum under emotional stress.

Again, the masculine sex is plainly falling behind in intellectuality and women are fast becoming the conservators of scholarship. Since they were admitted to the colleges they have given such a good account of themselves that some men, "falsely so called," are having the gravest doubts about the higher education of women in consequence. College boys also are showing distress at the output of feminine intellect and are calling for a "woman exclusion act" to protect them from this horrible competition. The danger is so imminent that we may yet need a kind of male zenana for our feebler brothers into which these terrible women shall not be allowed to enter. Some years ago Miss Fawcett took the examinations for the Senior Wranglership at Cambridge, England, and came out so far ahead that the report might well have been, "Eclipse first; the rest nowhere." But as Eclipse in this case was a woman the prize went to the man, who, though next, was not adjacent. A sympathizing editor remarked that, "It was hard on a man to have a thing like that happen to him." Finally, it might be urged that the male sex is relatively irreligious. Three-fourths of the membership of the churches are said to be women. And how would it be possible to allow beings of such qualities to have a voice in lawmaking? This sex that admittedly furnishes the great majority of our drunkards, criminals, infidels and other "undesirable citizens" might easily bring down the vengeance of heaven upon us.

So the women might argue; and it must be admitted that there

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

would be something in it. The suffragettes have not yet equalled the turbulent emotionalism of their sedate brothers. But such argument might be thought rather tart and shrewish. Let us, then, listen to some fine old dowager, less acerb and more philosophic, as she argues the matter:

"My sisters, let us not be too hard on the men. Of course they are not women and cannot be, but we must beware of arousing sex antagonism. Let us rather inquire if there be not plain indications in the nature of things of what man's sphere is. And if we look about, we see at once that this sphere is very definitely marked out. Men are manifestly intended to be the breadwinners of the race and the fathers of the race. And the sphere thus indicated is certainly great enough and high enough to consume all masculine energy and satisfy all masculine ambition. Let us, then, be careful of adding to the labors of men the additional burden of thinking on political problems.

"And when we rise to the higher thought of fatherhood, what a sacredness this bestows upon man, and certainly he can ask for nothing higher. He should, therefore, prepare himself for all his duties in this august relation, and not trouble himself about these other relatively unimportant matters of managing the political world. And I cannot but deplore that our educators have not paid more attention to the fact. They seem never to have considered that man is to be the father of a family and should have a special training for his duties as such. Some of the heavier work in housecleaning would very properly fall to his lot. A course in scrubbing and in tending the furnace and many similar things would be of far higher utility than much of the vaunted higher education.

"Of course this does not mean that men are without intelligence. Some of them are very bright and might properly be trusted with the suffrage. But we are thinking of the great mass of men and that alters the case. And, furthermore, it is not from any enmity or hostility on our part that we are opposed to men voting; it is rather from our love for them and our unwillingness unduly to burden them that we protest against their enfranchisement. And they are safe in that love. We will guard their interests. If they wish anything let them apply to us and we will see to it that the right is done, but let them abide in that sphere in which it has pleased Providence to call them."

It is doubtful if this argument would convince the men. It is not even sure that it ought to convince them, but it is certainly as good as most of the matter that is offered against equal suffrage.

But what is the use of equal suffrage, after all? Would society be any better for it? And if it would not, it seems at best a matter of indifference. Moreover, suffrage is not a right in any case, but only a privilege, and may well be withheld unless some-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

thing good comes of it. This is wisdom indeed. When the objector is thinking of himself, suffrage is a right. When others demand it as a right, he says it is a privilege and a matter of no great importance. The insincerity of all this appears from the fact that he would never consent to have it denied to himself, while he is very willing to have it denied to others.

And just here, to my mind, is the root of the matter. If I were a woman, as I am a man, I should feel that wrong was done me in denying me this right, and the sense of justice will never be satisfied until this wrong is remedied. Nodding to Gessler's cap is a small thing to some people, but there are others who cannot get used to it. I should feel as nigh unto cursing, as is permitted to a good woman, when I heard stupid louts and ignorant boys discussing my rights and sphere—poor creatures hardly entitled to an opinion on any subject higher than pop-corn and peanut brittle. Who is more entitled to a voice in determining women's sphere than women themselves? What man would consent to have women determine his sphere? And yet they would likely do as well as men have done in determining woman's sphere. A full half of the intellect and conscience of the community is unrepresented in the lawmaking bodies, and the feminine interest, which is quite as important a social factor as the masculine, is unrepresented. And what has been the result? Only the crassest ignorance or lack of principle would pretend that woman has had justice done her in the past or even in the present. The social order will never be at its best until this is remedied. The present condition of the political world closely resembles a place where the housekeeping is done by men. The masculine indifference to order, cleanliness, tidiness, is reflected in political housekeeping. And the remedy is the same in both cases—give the women a chance. This would be both just and wise. No one has a right to demand for himself anything that he would not equally accord to others. The rights of the moral personality are absolutely independent of sex. The functions the sexes have to play in life are different and will take care of themselves, but they in no way affect the duty of every moral person to be interested in the well-being of the community and the right of every moral person to have a voice in the matter. In these deepest things, these fundamental duties, men and women are alike and equal.

What might be the outcome of granting equal suffrage, no one

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

could certainly tell. I should not myself anticipate any immediate entrance of the millennium. I should, however, expect many improvements in our social and political life, and I am somewhat confirmed in this opinion by the character of the opposition. Where the experiment has been made the result has not been unfavorable, and in any case the dire results often predicted have not been realized. Of course one can get unfavorable reports by picking his witnesses, but this would be true of the millennium itself. We may also expect great advantage to women themselves from the possession of the suffrage, not merely in securing more consideration of their just claims from lawmakers, but also in producing a more thoughtful type of woman. Already from their larger intellectual life women are more interesting and socially valuable than they ever were before. And the larger social interest arising from larger possibility and responsibility could not fail to result in larger and more effective life.

The origin of the subjection of woman as before explained explains the nature of much of the opposition to equal suffrage. It was something undreamed of among savages and barbarians and was unheard of even among ourselves one hundred years ago. Accordingly, if we should call the roll of opponents, we should find among them about all savages, enemies of society, of the family and of good government, rumsellers, drunkards, constitutional stand-patters and weak-minded men in general. These make up a large part of the "glorious company" of those opposed to equal suffrage. It by no means follows that all opponents are of this sort, but it is beyond any question that the vast mass of persons of this sort are among the opponents.

Finally, we must not suppose that the question is purely a matter of theory, as if equal suffrage were nowhere an accomplished fact. To-day women have full suffrage in Colorado, Wyoming, Idaho, Utah, Norway, Finland, New Zealand and Australia. They have municipal suffrage in England, Scotland, Ireland, Canada, Kansas, Denmark, Iceland and several European cities. They have school suffrage in half the States of the Union and tax suffrage in several States. In the last half-century there has been more advance in the educational, industrial and property rights of women than in the whole history of the world up to that time. And the political rights are fast coming.

BORDEN PARKER BOWNE.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

IS THE FEDERAL CORPORATION TAX LAW CONSTITUTIONAL?

BY WALTER K. TULLER, OF THE LOS ANGELES BAR.

THE Corporation Tax Law, enacted by Congress at the special session of 1909, is such a radical change in the policy of the Government, and is so wide-spread in its present effects and future possibilities, that the question whether it is or is not constitutional is of the greatest importance to the entire country. It is not, now, a political or an economic question. This Act, with such modifications and additions as experience should show advisable, might or might not assist in solving some of the grave problems which present financial and industrial conditions have raised. But were it definitely proven that it would do so, or were it conclusively established that its results would be disastrous, neither could properly have any weight in determining its constitutional validity. If the Act be within the Constitution, and is unwise, the remedy lies with the legislative, not with the judicial department of the Government, while if without the Constitution, no matter how important to the economic welfare it may be considered, it cannot stand.

The essential provision for the present purpose of the Act in question is that every corporation or joint stock company organized for profit and

"organized under the laws of the United States or of any State or Territory of the United States, . . . *shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such corporation, . . . equivalent to one per centum upon the entire net income over and above five thousand dollars received by it from all sources during such year,*"

exclusive of dividends received from the stock of other companies which are subject to the tax.

It is designated as an "excise tax," and it is on that ground that its proponents and supporters, including the present Chief

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Executive of the nation, whom all must admit to be a great constitutional lawyer, contend that it is valid. It is obvious, however, that its validity must depend on its real nature, and that for this purpose the name by which it is called is immaterial.

By Article I, Sec. 8 of the Federal Constitution, Congress is granted the power "to lay and collect taxes, duties, imposts and excises, . . . but all duties, imposts and excises shall be uniform throughout the United States." By Sec. 9 of the same article, it is provided that "no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken." By the Tenth Amendment to the Constitution, adopted immediately after the main body of the Constitution itself, it is provided that: "The powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively or to the people."

The first question to be determined, then, is whether the tax imposed by this Act is a direct tax or an excise; if an excise, it is not subject to the objection that it is not apportioned among the several States according to population,* while if a direct tax, there being no attempt so to apportion it, it is clearly unconstitutional. This at once raises the question of what is an excise and what is a direct tax, as those terms are used in the Constitution. This much is certain at the outset, that there is such a tax as an excise and such a tax as a direct tax, and that they are intended to be mutually exclusive, for it is specifically provided that the former need only be uniform throughout the United States, while the latter must be apportioned among the several States according to population. Volumes might be written on this question. Indeed, it is probably impossible to lay down in advance any rule which would cover every case that might arise. Without attempting to go into all the distinctions and ramifica-

* "Whether the exemption of $5,000 of net income from the operation of the tax is a violation of the rules of uniformity and an arbitrary discrimination is a question which will not now be discussed. The law requires returns from all corporations, which may prevent it from having that effect. The exemption, however, operates as effectively to relieve all those corporations having a net income of $5,000 dollars or less from any taxation as if it specifically exempted them." (See opinion of Mr. Justice Field in Income Tax cases, 158 U. S., at p. 596.) The decision in the Sugar Refining case, 192 U. S., 397 (see post), although it did not comment on this point, would seem to be very strong authority, however, against the contention that this invalidates the act, as the court there sustained a tax which applied only to those whose gross annual income was in excess of $250,000.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tions of the subject, or to state a rule which would be sufficient in every case that might arise, it seems to be settled by the decisions of the Supreme Court of the United States that, so far as is necessary to determine this case, a tax upon a particular business or the right to conduct that business is an excise, while a tax upon property, whether real or personal, is a direct tax.* This principle seems to have been recognized by those framing the Act, for they stated in the body of it that the tax thereby imposed should be "with respect to the carrying on or doing business by such corporation, etc." As heretofore stated, however, the validity of the tax is to be determined not by what it is said to be or to do, but by the way it actually operates, as was said in Nicol *vs.* Ames, 173 U. S., 515, "for this purpose it must be regarded in its actual practical results." The ultimate question in this phase of the case is, therefore, which kind of a tax does this Act *actually* impose?

Those supporting its validity lay great stress upon the so-called Sugar Refininig Case, 192 U. S., 397. In that case the Federal Supreme Court held that the Act of Congress of 1898 imposing a tax of one-quarter of one per cent. of the gross annual receipts above $250,000 of "every person, firm, corporation or company" carrying on or doing the business of refining sugar, etc., was not a direct tax within the meaning of the Constitution, but was an excise. There is a distinction between that act and the one now under consideration, however, that to the writer seems fundamental. The tax there imposed was clearly a tax on the business, and hence under the former decisions of the court as stated an excise. It was directed not at any particular person who might conduct the business or at the particular form in which it might be conducted, but primarily at the business itself. The tax must be paid by "every person, firm, corporation or company" who should conduct that business. So while from the very nature of the case the actual delivery of the money must be made by an individual, the tax itself was simply upon the business—or if it

* This rule is stated as the cumulative result of the numerous cases involving a consideration of excises and direct taxes decided by the Supreme Court. No single case can be cited as direct authority for it; it is the result, rather, of many taken together. An example of it may be seen, however, by comparing the Income Tax Cases, 157 U. S., 429, and 158 U. S., 601 (see also terse statement of the principle therein established in Knowlton *vs.* Moore, 178 U. S., at p. 82), with the Sugar Refining case supra.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

be preferred, upon the right or privilege of conducting that business—regardless of the person by whom it might be conducted.

The tax imposed by this Act, however, is not a tax on a business or the right to conduct a business at all. A, a corporation, is conducting a certain business; adjoining him on one side B, an individual, is conducting the same business. If the tax were upon the business or the right or privilege of conducting it, clearly it would apply to both. This tax applies to A, *but it does not apply to B.* Adjoining A on the other side, C, a partnership, may be conducting the same business. The tax applies to A; it does not apply to C. This is the all-important distinction between the tax imposed by this Act and the one considered in the Sugar Refining case supra. It was on this very point that the court held that tax to be an excise, saying: "Clearly the tax is not imposed on gross annual receipts as income, *but only in respect of the carrying on or doing the business* of refining sugar."* The very same considerations show that this tax is *not,* in fact, imposed in respect of the carrying on or doing of any business or the right or privilege of doing so. It would seem to follow from this case rather, therefore, that this tax is not an excise.

It may be urged, however, that the rule heretofore stated for determining whether a tax is an excise or a direct tax (for the purposes of this case) is not a correct one, but that the true test of an excise is whether it can be shifted to the shoulders of another; that if it can be so shifted it is an excise, while if it cannot be it is a direct tax. If this be true, does it validate this Act? Take a similar illustration to the one we have just used: A, a corporation, is engaged in the business, let us say, of manufacturing a certain article or articles. B, an individual or a partnership, is engaged in manufacturing the same articles. There is nothing in the nature of A whereby it is enabled to manufacture an article any cheaper than it can be done by B. If a tax is imposed on A, how can he shift it? Clearly only by raising the price of the article manufactured. But if the tax *is not imposed on B,* how can he raise the price? If he does so he puts a higher price on his article than is charged by B for the same article. If he does this, it is as certain as the law of gravitation that he cannot sell his article, which means that eventually his business is destroyed.

* Italics are author's.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Take an even plainer case if possible. A, the corporation, is engaged in selling articles directly to the consumer. B, the individual or partnership, is engaged in the same business. There is nothing in the nature of the corporation that enables it to purchase its stock of goods one cent cheaper than B. A tax is imposed on A, not on B. To shift the tax A must raise the price of his goods; that means that he must charge a higher price for them than is charged by B. That, in turn, by the law as inexorable as Fate, means his ultimate ruin.

This is exactly the tax imposed by this Act. *It cannot be shifted.* If that be the test, therefore, there is no escape from the conclusion that this is not an excise, but a direct tax.

If the tax is not a tax upon the business in which the corporation is engaged or upon the right or privilege of conducting it, upon what is it imposed? In whatever terms it may be stated, the tax, in reality, is simply a tax upon the right to do business *in the form of* a corporation. That whatever it may be called, it is not, in reality, a tax upon a business or the right to conduct a business, which is possessed by corporations, individuals or partnerships alike, has already been seen. The only difference between A and B in the illustration given is that A conducts his business in the form of a corporation, while B does not conduct it in that form. The tax applies to A, not to B. The conclusion is unavoidable, that the tax is, in reality, simply a tax upon the right to do business in the form of a corporation.

This is important in two aspects. First, the right to act or do business in the form of a corporation, ordinarily termed the corporate franchise, is *property.** The tax, therefore, is in reality a tax upon property, which seems to confirm the conclusion heretofore reached that it is a direct tax.

* This principle is too clearly and too thoroughly established to admit of dispute. See 2 Blackstone's Commentaries, 16, 20; 3 Kent's Comm. 459; Bridge Co. *vs.* Dix, 6 How (U. S.), 507; M'f'g Co. *vs.* Massachusetts, 6 Wall (U. S.), 632; Conway *vs.* Turner, 1 Black (U. S.), 603; Sav. Society *vs.* Coite, 6 Wall (U. S.), 606; Bank *vs.* Fenno, 8 Wall (U. S.), 547; Water, etc., Co. *vs.* Brooklyn, 166 U. S., 685; Richmond, etc., R. Co. *vs.* Louisa. R. Co., 54 U. S. (13 How.), 83. See also numerous State decisions so holding collected in note 57 L. R. A., 37. Not only is the franchise property, but it seems well settled that it is real property, being classed as an incorporeal hereditament, and was so understood at the time the Constitution was adopted. See Blackstone's and Kent's Comm. supra; Washburn on Real Property (6th Ed.), Secs. 47, 146; Tiedeman on Real Property (3rd Ed.), Secs. 2, 6, 453; Conway *vs.* Taylor, 1 Black (U. S.), 603. So far as the writer is aware, it has never been seriously questioned that a tax upon real property is a direct tax.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

If it be argued that the tax is only upon the income or profit derived from the property, and not upon the property itself, the answer is that a tax on the income or profit derived from property is equivalent to a tax directly on the property from which it is derived. As was said by the Supreme Court in the Income Tax cases, 158 U. S., 601, in summing up:

"Taxes on real estate being indisputably direct taxes, taxes on the rent or income of real estate are equally direct taxes. . . . Taxes on personal property, or on the income of personal property, are likewise direct taxes."*

The second phase in which this fact is important is this: As has been seen, the Constitution expressly provides that the powers not given to the United States, nor prohibited to the States, are reserved to the States. This is the principle on which our entire system of Government is founded, that within its sphere the Federal Government is sovereign and within their spheres the respective States are sovereign.†

In the celebrated case of McCulloch *vs.* Maryland, 4 Wheat. (17 U. S.), 316, this question was presented: Congress had chartered a corporation, in that case a bank. It established a branch in Maryland. That State thereupon passed an Act subjecting it to a tax. This tax was resisted on the ground that it was unconstitutional, and the case was taken to the Supreme Court of the United States. It was decided in an elaborate and masterly opinion by Chief-Justice Marshall, and concurred in by the entire court, that the Act was unconstitutional. It was pointed out

* Cf. Knowlton *vs.* Moore, 178 U. S., 42, at p. 82.

† "The general Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres. The former in its apportionate sphere is supreme, but the States, within the limits of their powers not granted, or in the language of the Tenth Amendment, 'reserved,' are as independent of the general Government as that Government within its sphere is independent of the States." Buffington *vs.* Day, 78 U. S. (11 Wall), 113. See also Van Brocklen *vs.* Anderson, 117 U. S., 151, 173; Plummer *vs.* Coler, 178 U. S., 113, 117.

"We have in this republic a dual system of Government—National and State—each operating within the same territory and upon the same persons, and yet without collision because their functions are different. There are certain matters over which the National Government has absolute control, and no action of the State can interfere therewith, and there are others in which the State is supreme, and in respect to them the National Government is powerless." South Carolina *vs.* U. S., 199 U. S., 438, 448.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that the United States within its sphere is sovereign; the franchise to be a corporation was granted by the United States acting within that sphere; that the power to tax involves the power to destroy. That therefore, if the State had power to tax the corporation, as such, at all, it had the power to tax it out of existence and so nullify the action of the Federal Government in chartering it; that the possession of this power by the State is in direct conflict with the sovereignty of the Federal Government in chartering it, and so cannot be possessed.

The case presented by the Federal Corporation Law, it is submitted, is simply the converse of that presented in McCulloch *vs.* Maryland. The State, within its sphere and therefore within the exercise of its sovereignty, charters a corporation. The Federal Government attempts to impose a tax upon it simply as such corporation. If it may tax it at all, it may tax it out of existence and so nullify the action of the State in chartering it. If it has power to impose a tax of one per cent. of its net earnings over and above five thousand dollars, it has power to impose that tax upon its entire net earnings. If it has power to impose a tax of one per cent., it has power to impose a tax of ten, twenty, fifty, one hundred per cent.

It may be attempted to distinguish this case from McCulloch *vs.* Maryland on the ground that the United States Bank was an instrumentality in carrying out the functions of the Government —its financial agent—and the corporations created by the State are not instrumentalities used in carrying out its functions. The first statement of fact, that the bank was such an instrumentality, is admitted, but it is by no means granted that the corporations created by the State are not equally instrumentalities for carrying out its functions. The bank may have been more essential to carrying out the functions of the Federal Government than are some of the corporations created by the State. The country somewhat later subsisted without it, however, so it was not indispensable. But it is apprehended that the question of how urgent is the necessity for the creation of a particular corporation is immaterial to the question of whether it is an instrumentality of the Government creating it. The power of the Federal Government to create corporations is chiefly derived from that clause in the Constitution* which gives it power to make all laws which

* Art. I, Sec. 8 (18).

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

shall be "necessary and proper" for carrying its powers into execution. It was held in McCulloch *vs.* Maryland that this did not require that the particular action should be necessary in the sense of indispensable, but that if the end sought to be accomplished were within the scope of its powers, "all the means which are *appropriate,** which are plainly adapted to that end, and which are not prohibited" may be adopted as a means of carrying out its powers. The States are not even limited by any provision that the means chosen by them shall be only those that are "necessary and proper," and it certainly cannot be successfully contended, therefore, that their discretion as to the means by which they shall carry out their functions is any less broad than that of the Federal Government. It is submitted, therefore, that so long as a State in creating a corporation is acting within the scope of its constitutional powers the degree of necessity for chartering it as a means of carrying its functions into execution is immaterial.

But even were it granted, for the sake of the argument, that there might be a distinction in principle between the bank under consideration in McCulloch *vs.* Maryland and an ordinary corporation created by the State, it would not establish the right of Congress to pass this law even under this clause, entirely aside from the question of it being a direct tax. Take a single illustration: The Constitution gives the Federal Government the power to regulate commerce between the States. It leaves with each State the power to regulate commerce within that State. The power of the Federal Government to regulate commerce between the States, and of each State to regulate it within that State, stand, therefore, upon the same basis; and a corporation created by the former to carry on interstate commerce is no more an instrumentality of that Government for the purpose of carrying into execution its functions than is one created by a State to carry on commerce within that State an instrumentality of the State for carrying out its constitutional functions.†

It is settled by an unbroken line of decisions by the United States Supreme Court that an attempt by a State to impose a tax upon receipts derived from carrying on interstate commerce is unconstitutional and void, as being a regulation of interstate com-

* Italics are author's.

† See Western U. Tel. Co. *vs.* Texas, 105 U. S., 460; W. U. Tel. Co. *vs.* Seay, 132 U. S., 472.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

merce,* and if the business is being carried on under a franchise from the Federal Government, on the further ground that it is an interference with one of the instrumentalities of that Government for carrying out its functions.† By this Act, however, the Federal Government attempts to impose a tax upon a corporation, as such, created by a State to carry on commerce within that State, which clearly is equally an instrumentality adopted by that State for carrying out its constitutional functions; and is in addition equally an attempt directly to regulate commerce within the State, as was the action of the States, in the cases cited in the preceding note, an attempt to regulate commerce between the States.

It cannot be denied that a corporation brought into existence by a State is an instrumentality of that State. It has been suggested, however, that the Federal Government may tax all the instrumentalities of the State, excepting those that are *strictly governmental* in their nature. Obviously this proposition, if sound, introduces a question of the utmost difficulty. What instrumentalities are "strictly governmental"? At the present day it could hardly be asserted that this term included only political organizations. With our changing social, and particularly our changing economic and industrial conditions, the idea of what is properly included within the scope of Government has been constantly enlarging, and the end is not yet. Matters that a half a century ago were considered strictly private in their nature are now quite universally regarded as being properly, in many cases necessarily, within the sphere of Government. Even the last decade has seen great changes in this direction; no man can foresee what the next will bring about. To introduce this principle means to establish a distinction based on nothing more tangible than opinion, and a constantly changing opinion at that.

But what is, perhaps, even more important from a strictly legal standpoint, it is submitted that the proposition stated is itself fundamentally false. Does the Constitution give the Federal Government power to tax the instrumentalities of the State, excepting only such as are "strictly governmental" in their char-

* See Fargo *vs.* Stephens, 121 U. S. 230; Steamship Co. *vs.* Pennsylvania, 122 U. S., 326; Ratterman *vs.* West. U. Tel. Co., 127 U. S., 411; West. U. Tel. Co. *vs.* Seay, 132 U. S., 472, and numerous cases cited in the discussion therein.

† See California *vs.* Central Pac. R. R. Co., 127 U. S., 1; U. S. *vs.* Stanford, 161 U. S., 433; Brown *vs.* Maryland, 12 Wheat., 419.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

acter? The question is solely one of *power,* not of its actual use or discretion in exercising it. It needs no further argument to demonstrate that if this power to tax exists at all, it knows no limits. If the Federal Government may tax such an instrumentality at all, it may tax them out of existence. That, of course, is the power to nullify the action of the State in creating it. The power to nullify is tantamount to the power to prohibit. To sustain this proposition, therefore, it is necessary to hold that the Constitution delegates to the Federal Government the power to prohibit the States from creating any essentially private corporation—which is one of the first attributes of sovereignty. Is this possibly sound? On the contrary, it is not only opposed to the entire spirit of the Constitution, but also is it not morally certain that if those who framed and adopted the Constitution had so understood it, that instrument never would have been adopted? It seems that the mere statement of the result to which this proposition necessarily leads thoroughly demonstrates its falsity.

It is submitted, therefore, that it is not within the power of the Federal Government, under the Constitution, to tax any corporate franchise granted by the State within the scope of its reserved powers; and it has been shown that this is exactly what the Act in question, if operative, would do.

There is another phase of the question that is important. The proposition cannot be questioned that it is within the powers of a State, as a means of carrying out its constitutional functions, to issue bonds or other evidence of indebtedness, equally as it is within the power of the Federal Government to do so. It is settled by numerous decisions of the Supreme Court that bonds issued by the Federal Government cannot be taxed by a State, although held as property within that State and so receiving the benefit of the protection afforded by its laws. Why? Because that is a means or instrumentality adopted by a Federal Government in the course of carrying into execution its constitutional functions, and since it is sovereign within that sphere the State has no power to interfere with its action, and the power to tax is a power directly to do so.*

If the States are sovereign within their respective spheres, it

* See Weston *vs.* Charleston, 2 Pet., 49; New York *vs.* Tax Commrs., 2 Wall, 200; Banks *vs.* New York, 7 Wall, 16; Bank *vs.* Des Moines, 205 U. S., 503.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

would seem to follow necessarily that the United States does not possess the constitutional power to tax bonds issued by a State or political subdivisions thereof. The Supreme Court so held in Bank *vs.* New York, 121 U. S., 138.* This Act imposes a tax upon the net income above $5,000 of every corporation "received by it from all sources" (excepting only that received as dividends from the stock of other corporations subject to the tax). A part of this may often be the interest paid upon bonds issued by the State or its political subdivisions. A part of this interest is taken by the tax. For the reason heretofore stated, it is believed that the tax is, in essence, merely a tax upon the franchise to be a corporation. This franchise, as has been attempted to be shown, is not subject to Federal taxation. But if the tax is not upon this franchise, upon what is it imposed? Clearly it is not a tax upon the right to hold bonds generally, for, as has already been seen, it applies only when they are held in one particular form. The only answer, then, is that it is a tax upon the bonds themselves, for it requires no argument to show that a tax upon the interest paid on them is equivalent to a tax on the bonds themselves. This is clearly beyond the power of Congress. The same general principle applies to real property. A considerable part of the income of many corporations is derived therefrom. A portion thereof is taken by the tax. The tax is not, in reality, a tax upon the right or privilege of holding real property, for it applies only when held in one particular form. It must be, therefore, either a tax upon the right to hold real property or do other business in the *form* of a corporation—that is, a tax on its franchise—or else a tax upon the property held. If the former, under the principles heretofore established, it is invalid; if the latter, it cannot be denied that it is a direct tax and hence unconstitutional. The same principle clearly applies to personal property and the income derived therefrom, since "taxes on personal property or on the income of personal property, are likewise direct taxes." Income Tax Cases, supra.

The principles sought to be established are:

1. That although called an excise, the tax imposed by the Act under consideration is, in reality, simply a tax upon the corporate franchise and as such a direct tax. That not being apportioned

* Cf. Income Tax Case, 157 U. S., 429, and Plummer *vs.* Cole, 178 U. S. 117. Also Ambrosini, U. S., 187; U. S., 1.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

among the several States according to population, it is therefore unconstitutional.

2. That in so far as it attempts to impose a tax upon corporate franchises granted by the several States in the exercise of their constitutionally "reserved" powers, it is unconstitutional also on the separate and distinct ground that it is beyond the powers granted to the Federal Government and an invasion of those reserved to the States, and

3. That if held not to be a tax upon the corporate franchise, it is simply a tax on the property held by corporations, and therefore unconstitutional under the principle declared in the Income Tax Case, supra.

The conclusion reached does not detract from the power of the Federal Government to raise all funds that may be necessary. Whenever its income from ordinary channels is insufficient to provide for the national welfare, all it need do is to compute the sum required and call on each State for its proportional share as determined by its population. The authority of the United States within the Constitution is that of a Government, not a suppliant; in this way it can collect to the last farthing all the moneys that may be needed for its support. Neither is it a conclusion that such a tax as the one here imposed may not be proper, or even desirable, as an economic matter. As pointed out in the beginning of the discussion, that is an entirely different question. But it seems that the Act is opposed to the Constitution as it now stands, and the Constitution must ever stand as "the supreme law of the land."

WALTER K. TULLER.

AUTHOR'S NOTE.—The conclusion reached above has no application to the validity of the Act, in so far as it imposes the tax on corporations created by or under the authority of the Federal Government. There appears no reason why that Government cannot legally tax those franchises granted by it. It is a well-established principle that if a statute is constitutional in part and unconstitutional in part, that part which is valid will be enforced, provided the parts are sufficiently separable so that each may be read by itself. It would seem that corporations chartered by the several States and those created by the Federal Government were sufficiently separate and distinct subjects of taxation that the tax might be sustained as to the latter, though held invalid as to the former.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WOMAN'S RELATION TO GOVERNMENT.

BY MRS. WILLIAM FORSE SCOTT.

WHAT is the purpose and nature of government?

For the purpose of government, is the human race homogeneous?

Is it a unit composed of co-ordinated elements?

Is it divided by sex into two classes of opposing interests or is it a chaotic mass of warring elements?

Is there an evolutional tendency toward increasing dissimilarity of function?

If so, would a change in the occupations of women by which they would share the occupations of men indicate progress or reversion?

Is political activity founded in peaceful efforts to adjust conflicting interests or is it essentially aggressive and warlike?

Since the care of young children should be in the hands of women, is it better or worse for the race that women should be occupied in the political struggle?

Does the employment of women in such occupations as will place them in conflict with men promise better economic conditions?

Is there a biological reason for the mental qualities which fit women for one type of work rather than another?

Where do reforms originate, and by what methods do they progress?

Is it not more highly specialized *education* for women, rather than "votes for women," which is to be desired?

When men live together the first condition, the original necessity, is concession; and concessions, by absolute necessity, become laws. So freedom is possible only within law, if men are to abide

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in communities. Man can be permitted only such freedom of action as may be enjoyed without encroaching upon the liberty of others. The higher the type of government, the fewer and simpler the laws should be, though becoming more complex in their interrelations.

As the only purpose of government is to insure freedom, and as freedom is impossible except under certain limitations, the perception, formulation and maintenance of such limitations is the primary function of government. Government is not a machine designed to give employment; it is not "an opportunity for the education of the masses" (a theory recently advanced by the suffragists); it is not a mine of wealth to be exploited for the benefit of a class or of individuals. It is simply a device for equal protection of all, which should automatically work to that end. It makes little difference what the form of government may be, so long as it accomplishes its purpose as well as can reasonably be expected in the time and under the then existing circumstances. Those who revolt against established law should be taught to recognize the impossibility of perfection, and led to consider whether there is a tendency toward better or worse conditions. If the laws and the execution of the laws show progress, the government is practically a good government; if the contrary, there is need of intervention, perhaps of revolution.

Democracy is a form of government which, it is assumed, gives every man an equal voice in the governments. Our Saxon ancestors used their voice, or vote, to acclaim one man their leader, and he a man like themselves with only one vote. To-day, under our free institutions, one man, whose vote counts only one as against another man's, leads in the ward or the city or the state or the nation, swaying by his will the votes of thousands.

The town meeting was a typical democracy, but even there the personal equation counted above the power of the vote. Every man may cast a vote, and only one, but always the vote of some one man or group of men will dominate the votes of all the others. So the pure democracy does not, any more than other forms of government, bring perfect protection; and because it fails to realize its ideal, it gives way to representative government, the republic appears. Now, although through representation the individual vote loses its authority, it gains by co-operation the desired end more safely and more surely.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The purpose of a republic is to establish and protect the interests of all classes. It sees, what is not seen in a democracy, that, to be efficient, legislation must be for the average and not for the individual. So it is only by republican institutions that democracy is made effective. When a community thus grows into a nation, it is the quality, not the quantity, of the vote that is important. The result to be studied is the operation of republican institutions in relation to a democracy divided into groups, with reference to the equable protection of all groups.

This brings us to a consideration of the groups into which mankind separates under the influence of community life. We recognize the producing, the professional, the executive groups. Roughly speaking, two groups would answer. In the one the work is intellectual; in the other muscular. But we are told to-day that there is another and more important classification based upon sex—that women compose a class by themselves. Biologically this is, of course, true. Economically it is fallacious. Politically it is false. For while mankind is in its nature dual, that duality is lost in the unit Man, as oxygen and hydrogen are lost in their combination in the perfect drop of water. Man and woman combine to form mankind, and it is mankind which is divided for economic purposes into laboring, professional and commercial groups. The laws enacted for the protection of these groups apply equally to men and women. Where woman needs special protection—as for large moral and economic reasons she does need protection—such legislation can be secured by direct petition, if it fails through the ordinary course of the law as it develops under the growth of education and intelligent public opinion.

Natural evolution is eternally from the simple to the complex. New activities beget new forms, and new forms increase until new types are produced, with infinite possibilities of still further differentiation and specialization. From protoplasm to man we face an awe-inspiring series. But no step in the progression is so portentous as that from the sexless to the sexual. At this point the high faculties of man begin to appear.

Here is the beginning of the emotional stimulus which is to develop the sensitive relations of the sexes. Out of this, by

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

slow evolution, now come protection on one side and dependence on the other, with mutual care for the young; and from this have sprung the great train of burdens and cares which are the crown and glory of mankind. Out of the interrelation of men and women has grown all that we know as civilization. Out of the man's protection of the family and the woman's care of the family have grown all government, all arts and all sciences.

Mankind being of necessity broken into groups (absolute equality cannot exist with life, and inequality results in the gathering together of similar individuals into groups), there is a resulting difference of standards and desires, which throws the various groups into a struggle in which each seeks to bend the machinery of government to its own purposes, often to the hurt of other groups. And so the national energies break up into political parties, the conflicting interests organizing against each other. In other words, it is a form of war, and while it may be at times only a quiet fencing or a friendly tilt, with banners flying and music playing, it is more frequently a hot and sometimes cruel contest, always with the possibility of the intervention of physical force. The women who are as yet only striving on the outer edge of political life show this particularly. They seek to advance their cause, even in the beginning of the contest, by kicking and scratching and biting, by hurling stones and acids. They can never lay aside this element of war; their very weakness naturally and quickly constrains them to have recourse to it.

As the race develops the care of the young grows more and more important as a function of the female, while protection of them and the young remains the duty of the male. The period of adolescence is inevitably being extended; the physical care of the young is being carried almost to the point of danger, while the care of the mind has been added. The responsibility of the mother for the physical, moral and mental training of her children makes demands upon her judgment, intelligence, fortitude and patience to the utmost of her capacity. She needs all the strength, the serenity, the "sweetness and light" that she can summon, to meet these demands rightly. Since political activity involves strife, with attendant mental and physical weariness,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and since the paramount function of woman is motherhood, the influence of political life cannot be useful in developing those qualities most essential to her unique function. It would certainly obstruct their development.

Since men should bear the burden of support of the family, it seems economically a sound proposition that women would serve the welfare of the race better by confining themselves as strictly as possible to feminine occupations, especially as there is too often a lack of well-paid work for the men who ought to maintain families. When women refuse, as so largely they do to-day, to go into domestic service, or to remain in the house to perform its social and domestic duties, they cause economic disturbances; they blindly try to occupy the field which naturally and rightly should be filled by men.

It is far from clear that woman can do entirely well the work which is properly called masculine, because she is physiologically and psychologically the result of an evolution along lines differing essentially from those which have produced men. Her duties, occupations and interests have given determinate form and characteristics to her mould. The seal of science has been set upon the fact of the interrelation of form and function. Woman must think and act as woman, not as man. Her physical constitution predetermines this whether she will or no.

When women assume that the vote is a necessity to insure their protection against the "greed and injustice of men," they are misled by a theoretical valuation of the vote into an overvaluation of its practical efficacy. What the individual vote can accomplish is of little or no advantage to the individual. The organized vote of a class can do little more for the class. What the vote really does is to keep the governmental machinery moving *according to the policy predetermined by public opinion,* and not otherwise. Public opinion may temporarily fail under the artful attack of the machine politicians, who often run the government for a brief time, in spite of both votes and public opinion, but only until some vital issue rouses the nation to a realizing sense of its danger and power.

Reforms do not originate with, they are not furthered by, the mass of voters. They begin in the minds of a few observant and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

public-spirited persons, men and women, who form themselves into self-appointed committees. By these few organized reformers questions are presented to the public, and when public opinion has been aroused they are submitted, usually by entirely non-partisan means, to the governing bodies.

It is *by educating Public Opinion, then, rather than by voting,* that social and political reforms have been brought about.

Since women influence the characters of men by moulding them during the plastic years of infancy and childhood, does it not seem that it is *education* rather than suffrage which women should seek? Do they not blindly ignore the true source of power? Should not women be striving for the best education and training *for women,* in order that their standards may be kept ideally high and their power of transmission as instructors developed? Should they not desire that through them the greatest power of all government, that last and highest authority, Public Opinion, may be intelligently moulded?—Public Opinion, which in all great issues sweeps the ballot aside with its mighty breath.

Since woman is able to participate fully in all reforms without the ballot, the demand for the ballot on the ground that she has no influence in the making of the laws under which she lives is unreasonable and untrue,—especially so since the existing laws prove that her protection has been unceasingly the object of much legislation by men.

Since the vote of women is not essential to the purpose of government, and since her vote would not necessarily improve the mode of government, we can see no reason why, under republican institutions which accomplish the democratic purpose of affording equal protection to all groups, she should increase the burden of government by an unnecessary increase of voters.

Since the two sexes are essential to the continuation of the race, it is illogical to force upon society customs which would tend to efface that dissimilarity which is the result of evolution. It would be wrong to encourage woman to engage in political activities which would interfere with her natural development and with the performance of strictly womanly duties.

That her influence in the home and in social relations cannot be ignored is proved by the testimony of all history to the im-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

portance of the woman's part in the forming of the characters of men and in the development of their careers.

If woman seriously desires to benefit her country, she has completely the means to do so. By educating and training herself to the best of her womanly powers she can fit herself for service more effective than any she could render through the best of political parties.

Finally we are led to this conclusion, that for the purposes of maintaining an efficient government, not *more* voters, but *better* voters are needed. We find no evidence in the political methods observed in the large bodies of organized women, now so conspicuous, to prove that women would be better voters than men. The history of the Shafroth case is a painful illustration of the ease with which women politicians adopt dishonest methods.

The best testimony which the suffrage organizations of New York are able to offer disprove their own propositions. The New York League sent Miss Sumner to Colorado, and she was there two years engaged in "studying" the life of women and women voters in order to get convincing evidence of their success. Women had then had the vote in Colorado for twelve years. In this book she says: "On the whole the most noteworthy feature of Colorado politics, and especially perhaps of Denver politics, is that there never seems to have been any real awakening to civic righteousness." One woman said to her: "I have attended committee meetings which broke up in riot, but that only increased the delights of attendance. We are only human, you know." Again, "Women are known to work for the election of their friends rather than for the best candidates." Again, "Prostitutes in general vote, and their vote is cast solidly for the party in control of the police force. . . . Neither is it surprising to learn that the prostitutes vote not only once, but often more than once."

In answer to Miss Sumner's question, addressed to different citizens, as to whether women are more or less corrupt than men, here are two typical answers. This by a woman: "There is a class of women who do not realize the sacredness of the responsibility of doing their part to elect good men and women to office and will sell their vote for a box of candy or less, while the same class of men will sell theirs at a little higher price." This by a man: "Women are more corrupt, more easily bought up, because, as a rule, a large percentage of the better class of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

women will not engage actively in political work, and a large percentage of those who take active interest do so for selfish reasons." In conclusion Miss Sumner says: "Politics in Colorado are at least as corrupt as in other States, and the woman of ideals who goes into political life for reform soon finds, not merely that she is working in the mire, but that she is *persona non grata* with the habitual denizens of the mire and with those persons who profit by its existence. Sometimes she becomes unutterably disgusted and ceases her political activity; sometimes her grit arouses antagonism, and she is more or less politely shoved out by experts at the business; and sometimes she strays and is taught the tricks of the trade. The last illustrates the one direct evil of equal suffrage."

It is rather bewildering that these things are said by an intense advocate of woman suffrage, a paid employee of suffragist societies! So do the suffragists themselves make a strong case for their opponents on the point of the woman's relation to government. And so we who oppose see in the legitimate and proper work of women a far more direct and far greater influence upon government than this two years' investigation in Colorado has shown as the result of the woman vote. And we believe that we, in private life, have our full and equal share both in the support of government and in the benefit derived from it, as a result of the performance of our non-political duties.

Dorothea Dix said that woman suffrage would have hampered her work, and Mrs. Kinnicut, Mrs. Arthur Dodge, Mrs. Bartow and large numbers of women in New York to-day will add their testimony to hers in favor of petition and education as against the duty of voting. In the one case the women who have the strength, leisure and ability, are free to use them and do use them for the public good. In the other *all* women are laid under a burden of necessity to perform complex duties for which not one in hundreds can honestly be said to be fitted.

Another consideration that ought not to be overlooked is that of the large number of women who are pregnant at the time of any national or political campaign and election. It is often a time of prolonged excitement and bitter controversy. Often even merely local issues develop extreme irritation and personal feuds. The gravity of this aspect of the matter should give us

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

pause. Who will say that there will be no injurious effect upon women about to become mothers or that there might not be a bad effect upon the offspring?

We find no political reason for the woman's vote. On the contrary, we find in the complementary relation of men and women a reason why they should not both be engaged in doing the same work. The work of the world for the benefit of humanity needs co-ordination of men and women; and women need the protection of men to make them efficient in their special function of motherhood. The irritating and combative nature of politics certainly would not tend to increase the efficiency of woman in her own proper work, and, as has been shown, she would not have the power to do more than man in improving political conditions. The experience of twelve years in Colorado, as stated by Miss Sumner in the report of her investigations before referred to, shows that women have quite failed to fulfil their promise to use political power to improve social and moral conditions. In addition to the extracts already given from Miss Sumner's book we find the following: "On the social evil it is impossible to see that equal suffrage has had any effect. Women, in fact, have made little effort in this direction. . . . But equal suffrage has about as much to do with this condition of affairs as a twelve-year-old child with the Constitution of the United States." What comment could make more striking this astonishing statement? If in a State in which there are no large cities the full political power of women has not in twelve years produced any effect upon the social evil—and cannot produce any effect, as the statement fully admits—then can there be *any* moral question upon which the vote of women *as women* would be worth a straw?

The further promise of the suffragists, that their vote would control economic conditions is, of course, rash and foolish, since the least reflection shows that no vote could do that. Indeed, the evidence is brought before us daily of the total inability of men to control these conditions after voting for centuries. The men are driven to the strike, just as women are; and the results of their strikes are inevitably wiped out by the law of supply and demand, which is and must be always stronger than any agreement between labor and capital.

However we look at this question, whether politically, biologically, or humanly, we can see no better reason for the vote

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

for women than the one which the suffragist calls that of "Justice"! And when this reason is analyzed, it is found to be only the assumption that each human being has "a right" to whatever any other human being possesses. A fallacy, if ever there was one. A shallow fallacy! For no man can possibly have a "right" to anything in a political community except as the community allows it to him. It is a privilege and not a "right"; and he gets it, not at all because it is "just," but because it is expedient; that is, because it is believed by the controlling majority to be for the good of the community. Let the suffragists show that the vote of the women will be, beyond reasonable question, for the good of the State, and they will get it. They seem to be a very long way short of showing that as yet.

"Rights?" What "rights" has man? In the beginning he must wrest from nature the very right to live. And when he has gained that, he must agree with other men upon what terms he may continue his existence. Is there any magic by which women are to escape the natural law?

This agreement between men is government—no more, no less. And the government is good or bad, according to the average of intelligence and morality of the individuals who agree. The goodness of these individuals depends so much upon the women who bear and educate the succeeding generations of men that we pray all men who love their kind and would see the world grow in the virtues of manhood and womanhood, to secure for women not only the protection she needs, but all opportunities for the education and training she ought to have to fit her to rear men worthy of their manhood—and women worthy of motherhood.

BERTHA LANE SCOTT.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE DEBACLE OF ENGLISH LIBERALISM.

BY SYDNEY BROOKS.

CARDINAL MANNING once declared that to write the history of modern France was like writing the history of a kaleidoscope. But a kaleidoscope, either as an instrument or as a figure of speech, seems a poor, immobile, positively spiritless invention by the side of the breathless changes, the hourly "crises," the melodramatic alternations that have been the lot of the British Government since the General Election came to an end. In London, and in the thick of events, it is difficult to assess with any precision the effect that must have been produced on the outside world by so rapid, so seemingly aimless and humiliating a succession of transformation scenes. But it can hardly have been other than an effect of sheer bewilderment. Here was a Ministry returned to power with a majority of 124 and a plurality in votes of over 400,000. Yet for many days it was doubtful whether it would live even long enough to face the new Parliament. Though numbers count even more in politics than in war, the first problem that the Cabinet considered was whether it should not immediately resign. It decided to continue in office, and on the whole, I think, wisely. But the mere fact that resignation could have been contemplated for a single moment is proof enough that the numerical strength of the Government far exceeded its true, effective strength. For a week and more before Parliament opened the Government lived in an atmosphere of ultimatums, intrigues and factional opposition and threats such as have never, to my knowledge, assailed any previous Cabinet. When the terms of the King's Speech outlining the programme of the session became known disunion passed into rebellion. One deputation after another of his nominal followers waited upon Mr. Asquith with remonstrances and hints of mutiny. Every

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

other speech in Parliament seemed to produce a fresh schism. The lobbies were a cauldron of rumors, disputes, plots and counter-plots. Hasty negotiations took place between Cabinet Ministers and the leaders of the various groups. First in one item of its programme and then in another the Government had to yield to the pressure of its supporters. It looked for a while as though no dexterity would save it, as though it would be beaten on the Address, and as though another General Election would follow at once. But the crowning mercy or the crowning disaster of a sudden death was denied to it. The immediate crisis was staved off, and instead of a General Election in March we shall have one in May or June. Such is the bare record of a series of events that must have amazed the outer world hardly less than they confounded England.

To explain why it is that a Government so strong on paper is so weak in fact, I must briefly analyze the nature of its majority, must make clear the conflicting policies of the groups that compose it, and must also examine the various complications and necessities, not altogether of his own making, that influenced Mr. Asquith's action. The Government majority of 124 is made up of two Liberals, forty Labor men, seventy-one Nationalists and eleven Independent Nationalists. But these groups are agreed on only one single plank of the official programme—the plank limiting the veto of the House of Lords on matters of ordinary legislation and depriving the Second Chamber of the power of rejecting any Bill that has passed the House of Commons a certain number of times. On this question the Government, to the best of my belief, can count on rallying all the Liberals, all the Labor men and all the Nationalists. But the destruction of the Lords' veto on finance and the limitation of their veto on ordinary measures are by no means the whole of the general problem of the House of Lords. They do not, for instance, affect the vital question of its composition, of whether it should or should not be reformed from within, of whether the hereditary principle should be retained, modified or abandoned. On all these points the cleavage in the Ministerial ranks is real and deep. The Moderate Liberals are in favor of reforming the Upper House by making it wholly or partly elective. The Radicals, believing, and I think with justice, that any reform of the House of Lords could only strengthen it and make it more

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

assertive, are for leaving it as it is after they have deprived it of the few legislative powers it still possesses. The Labor men, as a matter of principle, wish to abolish the Lords altogether and are wholly out of sympathy with the idea of reforming them. The Nationalists are indifferent to the whole question. In their eyes the vital thing is to whittle down the veto of the Lords so that any measure which has passed the House of Commons may become law within the limits of a single Parliament. The accomplishment of that object they look upon, as Mr. Redmond frankly declared in the House of Commons, as tantamount to granting Home Rule to Ireland. Everything else connected with the Lords they treat as a purely British affair in which they have no concern. The Ministerialists, therefore, while at one on the question of destroying the Lords' veto on finance and limiting it on everything else, are not at one on the question of reforming the composition of the Upper House.

Still less are they at one on the question of Mr. Lloyd George's Budget. The Liberals, Radicals and Labor men are heartily in favor of it, but the Nationalists are not less ardently opposed to it. In the last Parliament they voted against it on the second reading and abstained from voting for it on the third. Since then the feeling against its provisions among all parties and classes in Ireland has risen to fever-heat. One of the chief causes that brought about the rise of the Independent Nationalists under Mr. O'Brien and Mr. Healy was that these gentlemen promised to do all that was possible to prevent the Budget from becoming law. The Irish people assert that the Budget with its increased tax on whiskey, its high licensing duties and its land taxes lays an extra burden upon them of ten million dollars per annum. It is impossible to ascertain whether this reckoning is correct, nor for the purposes of my argument does it much matter. The important fact is that all Ireland is in revolt against the Budget and that the revolt placed both Mr. Redmond and the Government in an extremely awkward position. The Government had given up practically the whole of 1909 to the Budget; of all their enterprises it was the most bitterly contested and by far the most audacious; its rejection by the Lords had precipitated the General Election; and Mr. Asquith had pledged himself, if returned to power, to reintroduce the Budget at once and pass it with all its clauses and provisions intact. It had been one of the leading

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

issues of the campaign and nothing but its triumphant resurrection and its passage through both Houses would round off the Liberal victory and convince the world that the Lords' attempt to snatch the power of the purse from the Commons had failed. To place Mr. Lloyd George's Bill on the Statute-Book was and is and must remain a matter of supreme importance to the Government. Yet when the elections were over it was seen at once that if the Irish Nationalists, who compose two-thirds of the Government majority, were to vote against it, the Budget could not possibly become law. I do not know which was the most to be sympathized with in this predicament, Mr. Asquith or Mr. Redmond. If the latter either voted for the Budget or abstained from voting against it, he ran the certainty of being assailed in every corner of Ireland as a traitor to Irish interests; he would be playing directly into the hands of the O'Brienites; such a passion of resentment and revulsion would be evoked as might ruin the Nationalist party and commit its fortunes and future absolutely to the care of Mr. O'Brien and Mr. Healy. On the other hand, if he voted against the Budget and threw it out another General Election would be inevitable; the Nationalist exchequer is in no position to stand a further drain upon its funds; the O'Brienites would claim his action as a victory for their policy; and Mr. Redmond, having appealed to America for funds to smash the veto of the Lords, would be convicted of having used the money to throw out a Government that had made the abolition of the veto of the Lords the first item on its programme.

His dilemma, therefore, was very serious. But was there no alternative? If Mr. Redmond could pin the Government down to an immediate and effective campaign against the Lords, would it not be worth his while to facilitate the passage of the Budget? After all, Mr. Lloyd George's Budget is not for all time; its provisions can be revised when the next Finance Bill is submitted to Parliament; many of its taxes have been levied ever since its introduction and there is no way in which the money can be refunded; most of the harm, in short, had been done already. Supposing that Mr. Redmond procured a pledge from the Government that in the next Budget concessions would be made to the Irish taxpayer, supposing also he was successful in removing the last and greatest obstacle to Home Rule—the veto, namely, of the House of Lords—would he not then be able to prefer a fair

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

claim to the continued support of the Irish people? But to enable him to do this it was vital that the veto of the Lords should be earnestly, vigorously and whole-heartedly attacked. And here he was befriended by one of the most amazing complications I can recall in English politics, and one, moreover, for which the Liberal leaders have only themselves to blame.

In the House of Lords debate on the Budget last November the Lord Chancellor, who is, of course, a Cabinet Minister, made the following statement, the gravity of which was emphasized by the fact that he read it out from manuscript: "It is, in my opinion, impossible that any Liberal Government should ever again bear the heavy burden of office unless it is secured against a repetition of the treatment such as our measures have had to undergo for the last four years." A few days later, when the Budget had been thrown out by the Lords, Mr. Lloyd George, speaking at the National Liberal Club, declared: "For my part, I would not remain a member of a Liberal Cabinet one hour unless I knew that that Cabinet had determined not to hold office after the next General Election, unless full powers are accorded to it, which will enable it to place on the Statute-Book of the realm a measure which will insure that the House of Commons in future can carry, not merely Tory Bills as it does, no, but Liberal and progressive measures in the course of a single Parliament, either with or without the sanction of the House of Lords." That was on December 3rd. On December 6th Mr. Churchill, speaking at Manchester, said: "Effective restriction of the Lords' veto not only upon finance, but upon legislation, has become the dominant issue, and, whatever may be the result of the election, be sure of this, that no Liberal Government will at any future time bear the burden of office without securing guarantees that the reform should be carried out." Then on December 10th came the great speech in which the Prime Minister laid down the issues of the campaign and formulated the Liberal programme. "I tell you quite plainly," he said, "and I tell my fellow countrymen outside that neither I nor any other Liberal Minister, supported by a majority of the House of Commons, is going to submit again to the rebuffs and humiliations of the last four years. We shall not assume office, and we shall not hold office, unless we can secure the safeguards which experience shows us to be necessary for the legislative utility and honor of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the party of progress." On the following day Mr. Churchill referred to the Prime Minister's declaration in these terms: "The Prime Minister, in his speech last night, said with a clearness none can mistake and with a solemnity all should appreciate, that no Liberal Government will ever again take or hold office under the conditions which have obtained in the Parliament which is drawing to its close. That is a statement which is binding upon every Liberal, official or unofficial, and if you support us the consequence of this declaration cannot fail to emerge in action after the election is concluded."

Now, the universal interpretation put upon these statements was that Mr. Asquith, if returned to power, would decline to take office unless and until he had received from the Crown guarantees that the resistance of the Lords would be overcome as it was overcome in 1832—by the creation, or the threat to create, a sufficient number of Peers to carry the Liberal programme. Liberal candidates all over the kingdom, and in particular the leaders of the Labor and the Nationalist parties, put this and no other construction upon the declarations I have quoted. Their reading of them was well known, was trumpeted from nearly every Liberal platform and was never contradicted by the Prime Minister. The difficulty, the absurdity even, of asking the Sovereign to furnish guarantees of safe-conduct on behalf of Bills yet undrafted in a Session not yet begun, hardly seemed to occur to any one. Personally I cannot doubt that the Liberal Ministers harbored the wild intention of approaching the King with a request for assurances that in case of need he would stand by them as William IV stood by Lord Grey; nor can I doubt that if they had been returned with anything like the majority they won in 1906 the intention would have been acted upon. But having lost over a hundred seats, and being in a state of quasi-dependence upon the Irish vote—and a Liberal Government in that position starts its career fatally discredited, for there is nothing Englishmen dislike so much as seeing their politics controlled by the Irish Nationalists—it was clear that the Government had none of the necessary weight and authority to prosecute a policy that only the direst of national emergencies could possibly justify. All talk of guarantees ceased when the results of the election were known. The Government proceeded to rearrange the Cabinet portfolios and to make appointments as though the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

very idea of preliminary conditions had vanished from their minds. But suddenly Mr. Redmond made it abundantly clear that matters were not developing to his satisfaction. In a speech delivered on February 10th he declared that "what decided the Irish to support the Liberal party was the Prime Minister's pledge that neither he nor his colleagues would ever assume or retain office again unless they were given assurances that they would be able to curb and limit the veto of the Lords." He had always regarded Mr. Asquith as a man of his word. "I say it is inconceivable that in this matter he should now waver in his purpose. To palter with his pledges would, in my judgment, be to wreck the Liberal party and to drive them for the next twenty years into the wilderness, and I won't insult him by suggesting he has any such intention." Mr. Redmond emphatically protested against the idea of passing the Budget and adjourning the veto to a more convenient season. Such action, he declared, would disgust every real democrat in Great Britain, besides breaking "openly and unashamedly the clear and explicit pledge on the faith of which, at any rate, Ireland gave her support to the Government. If Mr. Asquith is not in a position to say that he has such guarantees as are necessary to enable him to pass a Veto Bill this year and proposes to pass the Budget and to adjourn the Veto question, I say that is a policy Ireland cannot and will not approve."

The stir caused by this speech was prodigious, and for a whole week there was a state of little less than anarchy in the world of politics. The Radicals and the Labor men ranged themselves on Mr. Redmond's side and it almost seemed for a while that the first division taken in the new Parliament would overthrow the Government. Against any such catastrophe, however, there was the sure safeguard that nobody in the House or out of it looked upon the prospect of another General Election with anything but loathing. There was this further safeguard that before either the Budget or the House of Lords could be dealt with it was absolutely essential to vote Supply before the close of the financial year on March 31st. The War Loan contracted in 1900 had to be redeemed; the deficit of $125,000,000 caused by the action of the Lords in throwing out the Budget had to be made good; Treasury Bills issued during the last few months to furnish ways and means had to be renewed; and unless Supply were voted

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

there would be no money on and after April 1st for the Army, the Navy, the Civil Service or old-age pensions. Cooler heads, therefore, were well aware that the real issue would be joined after and not before Easter. Nevertheless, the King's Speech was read amid every sign of a crisis, a crisis which its terms immediately heightened. "Proposals," announced His Majesty, "will be laid before you, with all convenient speed, to define the relations between the Houses of Parliament so as to secure the undivided authority of the House of Commons over finance and its predominance in legislation. These measures, in the opinion of my advisers, should provide that this House (*i. e.,* the House of Lords) should be so constituted and empowered as to exercise impartially, in regard to proposed legislation, the functions of initiation, revision and, subject to proper safeguards, of delay." The words in these sentences that added to the perplexities of the situation were the words "so constituted." They meant that the Liberals were not merely going to limit the veto of the House of Lords, but to reform its composition; and to any reform of the House of Lords the Radicals and Labor men, as I have before explained, are totally opposed. The procession of deputations to Mr. Asquith was at once renewed; the "Revolt of the Radicals" took the place for the moment of the "Revolt of the Irish"; and the result of insistent pressure is that all Liberal schemes for reforming the Lords have been indefinitely postponed.

But if in that matter the Radicals bent the Government to their wishes, the Nationalists, Radicals and Labor men—but particularly the Nationalists—were equally successful in forcing the Ministry to adopt their policy in regard to the House of Lords. They have secured precedence for the veto over the Budget and they have obliged Mr. Asquith to bring matters to an issue sooner than he intended. The programme finally evolved out of the clash of factions and policies, and now being carried out as I write, devotes every moment of Parliamentary time up to Easter to the necessary business of voting Supply. After the briefest of Easter recesses the House will then proceed at once to debate the Resolutions which the Government are to propose as a basis for their Bills destroying the Lords' veto on finance and limiting it on legislation. These Resolutions as soon as they are adopted by the Commons will be sent up to the Lords, who will probably

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

either reject them or postpone their consideration until they are embodied in a Bill. Meanwhile the Budget will be reintroduced, but whether in the form in which it was originally drafted or as part of the Budget for 1910-11 is not yet known. Nor is it known what will happen if the Lords reject or hold up the Resolutions. Will Mr. Asquith at once resign? Will he approach the Crown and ask for the much-talked-of guarantees? And if he does, will he get them? These are vital questions because Mr. Redmond has made it abundantly clear that he will only allow the Budget to pass if the guarantees are sought for and obtained. The general opinion is that the Budget is hopelessly dead and that the Liberal campaign against the Lords will lead direct to an electoral disaster. I am myself inclined to subscribe to this opinion. What the country wants is a House of Lords, reformed in its composition, brought more directly in touch with public opinion, but otherwise maintaining all its present prerogatives intact, except its veto over finance. Under Lord Rosebery's inspiration the Peers have seriously settled down to the task of producing a scheme for their own reform. If it is a drastic scheme, so much the better. But in any case a battle fought out between the Conservatives who advocate the internal reform of the House of Lords and the Liberals who advocate its legislative emasculation can only end in a victory for the former. Liberalism is approaching its *débâcle*. In six months we may easily have a Tariff Reform Government in power; and the fortunes of Mr. Asquith and his followers will only begin to revive when that Government lays on the table of the House of Commons its first Tariff Reform Budget.

SYDNEY BROOKS.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEW BOOKS REVIEWED.

MUSIC.

"HANDEL was a good old pagan at heart, and until he had to yield to the fashionable piety of England stuck to the opera and cantatas, where he could revel and plunge and frolic without being tied down to orthodoxy." This excerpt from the letters of Edward Fitzgerald sounds the key-note of this new and wholly delightful life of Handel.* "It is as a poet, a sympathizer with and renderer of all estates and conditions, whether of men or things, rather than as a mere musician, that Handel reigns supreme," the author quotes further from Samuel Butler.

Yes; this biography is not so much a volume of musical criticism, though that is not lacking, as it is a delightful picture of the times and the record of the gigantic struggles, the many failures and final victory of that brave, great-hearted human giant Handel. The author throughout relates his subject to the world in which he lived and what a lively, moving, multicolored world that was—the London of the first half of the eighteenth century. What a mass of records there are to draw from, the memoirs and correspondence of Arbuthnot, Gay, Prior, Pope, Walpole; the letters of the Duchess of Marlborough, Lady Cowper, Lady Mary Wortley Montagu, Fannie Burney and Mrs. Delany. Doddington's Diary and Fielding's novels (see Amelia Bk., IV, chap. VII) also furnish descriptions and data of the operatic feuds in which Handel took so lively a part and held his own in so stout and Teutonic a way.

The very method of composing which the author conscientiously lays bare for us shows us the stout old pagan's light-hearted attitude toward creeds and forms. Good music, he contended, was always good, no matter where you used it, and he used a lament

* "Handel." By R. A. Streatfield. New York: John Lane Company, 1909.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

APR 1 1916 MILES PARK

sung by a believer over the crucified Christ as a love-song for Ahasuerus, while the duet sung by Esther and her king when she is reassured is the same as that sung by the Blessed Virgin and Christ in His last moments. Stranger yet, the strains in which Haman pleads for his life with Esther are bodily taken from Christ's agony in Gethsemane. The Virgin's lullaby is used later as Pleasure's enticement of Hercules. Sacred music, to Handel, was merely an artistic exercise, and while "Bach is on his knees in the Holy of Holies, Handel marches leading a gayly robed procession down the echoing aisles of the church." In religious, as in secular music, he had an eye for the motley, earthly pageant, and he loved God chiefly and praised Him most devoutly for this lovely earth of sight and sounds.

The author has succeeded delightfully in finding the man Handel not only in the records of the day, but in his music, tracing his character, his view of life, his thoughts, feelings and aspirations as they are set down in his work.

To the same series as the life of Handel belongs the scholarly and delightful life of Hugo Wolf* by Ernest Newman himself. In recent years the original and scholarly musical compositions of Hugo Wolf have led many lovers of true music to a desire to know Wolf more fully and intimately, and to have an insight into the environment and conditions amidst which he gave to the world songs which will go down the ages as classics and operas which will always be of interest to the student of music, although they have not yet been given public performance. Dr. Ernst Decsey has written a most complete biography in four volumes of Wolf, and only recently several smaller works dealing with his compositions and his life have been published. Most of the foregoing, however, are German publications and, therefore, not accessible to many lovers and followers of music in this country. It has remained for Mr. Ernest Newman, one of the very best of our latter-day critics, to write a truly charming and, to a great extent, intimate life of Hugo Wolf. Mr. Newman's book is in two parts, dealing respectively with Wolf's life and his works. It also contains a complete list of Wolf's published compositions.

* "Hugo Wolf." By Ernest Newman. New York: John Lane Company, 1909.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

This latter is always a most welcome addendum to any biography and will be cherished by the admirer of Wolf's unique genius. It is hoped that the day is not far distant when Wolf's songs will be procurable in their entirety, with English translations, as every singer and follower of good music is not necessarily an accomplished linguist. In the mean time a careful perusal of Mr. Newman's most admirable life of Wolf will pave the way to a full enjoyment of the works of one of whom it might be said that he has made, possibly, the greatest name among modern song-writers and set a standard in his day very much as Franz Schubert did in the early years of the nineteenth century.

The subtitle of this volume is: "The Story of the Development of a Great Personality,"* a title that would have been much more fitting had the last word read genius. Of the personality of Bach amazingly little is known. Unlike Handel, who was a public man and a courtier, Bach was of the lower middle classes, and to the end he led the life of an obscure musician. The family of Bachs can be traced back to the early sixteenth century; they were peasants or farmers and were scattered over Saxony and Thüringen. One Veit Bach, a baker in Wechmar, was known as a musician and played on the "Cythringen," while his son Hans, a weaver, combined his profession with that of town musician and studied his art with a cousin, Caspar Bach, of Gotha, in Thüringen. The musical endowment of the family seemed to spread through all the branches, and at one time there were seventeen Bachs, all prominent church organists. Bach's audiences were always small, and he never had any temptations to use histrionic devices. Of his life there remain the sparsest records, and the story of his development consists wholly in the learned and technical criticism of his tremendous output of work. No one living is so capable of giving the world such technical analysis of Bach's work as Sir Charles Hubert Hastings Parry, the distinguished professor of music at Oxford and the director of the Royal College of Music. The book, if having little to tempt the average reader, is invaluable to the student, who should combine the reading of the book with a careful study of the scores analyzed.

* "Johann Sebastian Bach." By C. Hubert H. Parry. New York: G. P. Putnam's Sons, 1909.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

It cannot be said that Mr. Finck* has in any wise answered the leading question of his subtitle beyond saying that genius, patience and hard work can usually be taken for granted of those who have made any signal success. The book is made up largely from excerpts of his journalistic contributions, and covering, as they do, so wide a field as from Jenny Lind to Geraldine Farrar, from Paganini to Kubelik, with a final part which contains hints to music-teachers, parents and pupils, it would seem to contain something for everybody. The chapter on "Tempo Rubato," contributed by Paderewski, is really valuable to the musician. The book is what, for lack of a better word, one might call "concocted," but good for those who want to keep *au courant* of musical gossip.

Without desiring to be captious, one might ask why, in the very full and detailed account of Geraldine Farrar's career, the two years that she spent studying under Emma Thursby are totally omitted. Miss Thursby really discovered and developed the girl's voice and was the first person to bring her to the notice of prominent singers and musicians. It looks distinctly like the serpent's tooth, therefore, to account for her career and leave out all mention of one of her best teachers. Likewise Mr. Finck does not distinguish, in his enthusiasm for this young and pretty singer, between those anecdotes which show her vivacity and mental ability and those that are simply vulgar. Again, if Mr. Finck's description of Farrar's "Faust" is accurate, it must have changed and failed considerably since he wrote his account.

This valuable volume is too modestly named. Mr. Mason's "Guide to Music"† is valuable for any concert-goer or musical student who desires to listen more intelligently to music. The book contains chapters on "Meter and Rhythm," "Phrases and Phrase Balance," "Music that tells Stories" (programme music), "The Piano Recital," "At a Song Recital," "At a Symphony Concert," "At the Opera," "The Orchestra," etc.

Mr. Mason explains lucidly and carefully and makes clear to the listener what part in the success of the music his intelligence

* "Success in Music and How it is Won." By Henry T. Finck. New York: Charles Scribner's Sons, 1909.

† "A Child's Guide to Music." By Daniel Gregory Mason. New York: Baker & Taylor Company, 1909.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

can and should play. There are few of the general concert-goers who would not derive benefit from reading the book carefully and keeping it on the music-shelf for an occasional hint before going to a concert.

THE DECORATIVE ARTS.

Of real moment and value is a work by so distinguished a painter as Mr. Birge Harrison on his own ground of "Landscape Painting."* Precisely because of its general excellence and importance, it deserves the fuller discussion. Such chapters as those on values or on vibration or on composition cannot be praised too highly. Here the trained intelligence, brought to bear on what the natural genius had already divined, speaks with authority and absolutely. The whole was originally addressed, indeed, to art students in their course by a student who had arrived. Though this last, the preface, with its charming modesty and sincerity, does *not* say. But when the painter turns to science, he is on strange ground. His optics may be sound and his chemistry, but his psychology is popular and his connoisseurship incomplete. A man may well know only the landscape painting of the last century and a half in England and France, but he should not then commence: "Landscape art, in its best expression, is and ever has been confined within the narrow geographical limits of northern and western Europe. Oriental art—the art of Persia, Japan and India—has always been more or less abstract and symbolical" and by implication bad landscape. If a man will talk of the East, he should know in the first place that the art of China was infinitely greater than any of these three, and, besides influencing Persia of a certainty and India in probability, was the very source and cistern of all the painting of Japan. In the second place, he should know that China produced and sustained, for more than a thousand years, a great spiritual art of landscape, in comparison with which no Western method may be named, though we all believe and hope with Mr. Harrison that impressionism may some day reach the same height. There exist as near as London, as Detroit, as Boston, paintings in proof. He might learn further and thereafter correct such rash dogmatizing as the paragraph on page 4, that the Italian primitive

* "Landscape Painting." By Birge Harrison. New York: Charles Scribner's Sons, 1909.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

understood and interpreted the moods of nature for those who have eyes and ears—Fra Angelo, Leonardo, Piero della Francesca. The bland breath of the spring, the gray dull of the dawn, the mystery of twilight, the terror of vast spaces, were all set down before Constable, Corot or Pissaro came out of limbo. And, lastly, while every good painter as painter should believe as dogmatically as Torquemada in his own precise method of work, when he speaks as a critic he should feel that in the infinite plurality of things other ways may be as good, even his contemporaries'. And that is a hard saying. But, when all is said, this is a delightful book, intimate, friendly, interpretive. The soft flush of the writer's own sunlights lies on it and the sweet airs of his nights blow through it.

The title of this superb set of plates is misleading. It should be: "Notes on some Rood Screens in the West of England, by a local Antiquary and a Working Architect."* It is designed, perhaps, for architects and libraries, not for private persons; but it gives no warning to that effect. There is everything to make enjoyment hard. The plates are numbered consecutively through the two folio volumes, with a good deal of cross-reference, without indication of the volume; and the illustrations scattered irregularly through the text are numbered, but not named or indexed, so that the reader, on coming to a reference to figure so-and-so, may have to search backward through as many as forty-six pages to find it. The text is more or less pieced up out of technical papers and magazine articles, and a dozen instances show that the architect hardly took pains enough to recast his material in a consecutive and intelligible text (for instance, at pp. 202, 358, 388). While it is lawful in such a book to pay old scores against incompetent restorers and ruthless incumbents, or even to praise a friend's work, it is doubtful taste to advertise one's earlier commissions. The opening essay, on ecclesiastical screens in general, is literally inadequate and perfunctory, and the author neglects to say which of his statements are matters of opinion only. On the development of the Basilican type of church, for instance, few good authorities would be found in accord with him. The

* "Rood Screens and Rood Lofts." By Frederick Bligh Bond and the Reverend Don Bede Camm. 2 vols. New York: Charles Scribner's Sons, 1909.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

article by Don Camm on painted screens in Devon makes delightful reading, but there, again, the author might have given warning that Norfolk and many other parts of England have others equally quaint. In short, any one intending to pass a few months in the west of England should pore long over the work and fill up a note-book from it. The lists of screens and lofts throughout England are the most important part. Their fulness is tantalizing and inspiring; their accuracy could only be attested by some one who had scoured the English counties more recently than, by their own account, the authors have. What makes enjoyment certain and insures the real and permanent value of the book lies in the collotype plates, fine where they present interiors more or less completely, and incomparable where they present detail of scroll and brass and rich leafage. For clearness and beauty alike they cannot be too much praised. It is a book to borrow and enjoy rather than to own.

If the new book by Mr. Sherrill of "Stained Glass Tours in England"* is not so full of meat as the one of a year ago† that is not his fault, but England's. There is not so much stained glass. Yet the pair are alike peculiarly satisfactory books for the general tourist, delightfully unpretentious, airy, yet trustworthy, not too technical, yet full of information and illumination. After referring the specialist to the best special treatises, Mr. Sherrill takes charge of the average man in his motor-car; plans the itineraries, sketches the maps and, best of all, infuses the enthusiasm. The latest volume is the more leisurely and, if anything, the more enticing. It woos the most rigid purist of continental standards to go a-searching through the friendly, historic English countryside.

A remarkable series of "Little Books on Art," under the general editorship of Cyril Davenport, offers the most satisfactory set of their kind. Each volume is small enough to carry in the pocket, yet serious enough to suit not merely the beginner, but the amateur who has made out a good deal for himself and

* "Stained Glass Tours in England." By Charles Hitchcock Sherrill. New York: John Lane Company, 1908.

† "Stained Glass Tours in France." By Charles Hitchcock Sherrill. New York: John Lane Company, 1909.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

wants to classify and co-ordinate his appreciations. It is a pleasure to note that Mr. Edward Dillon's "Arts of Japan"* has come to a second edition, for with its range of illustration and stress on such minor arts as lacquer and metal-work it is an admirable companion.

Mr. John W. Bradley has compressed an immense amount into the three hundred pages or less of the volume on "Illuminated Manuscripts."† Its greatest virtue is the rare one of leaving room for future knowledge and experience—a virtue proper to many French handbooks, but almost unknown here. Nor does it lack matter of controversy or matter of special interest. If the American reader wishes he did not meet so many citations by number and title of MSS. in the British Museum or the Bibliothèque Nationale, that very system of precise reference is infinitely serviceable to the traveller. And vivid and teeming with life are the compact bits of history; for instance, the whole story and atmosphere of the Scriptorium at St. Alban's thrown out in little more than a page.

This stout book‡ tells admirably the things that every one thinks every one else knows, while too often none of us know them; things, therefore, that the beginner often has great trouble in finding out. In addition, it offers some sound advice for forming a taste. It has an uncommonly wide range not merely of understanding, but of sympathy. If the writer seems to care unduly for modern German work, that may be a radical idiosyncrasy; but if he seems to lay too little stress on Italian engravings, that may be because such do not come his way often. His selection, like his comprehension, is amazingly good. The book is lucid, liberal, encyclopædic and inspiring and very provocative of discussions and divagations; the illustrations are admirably chosen and exhaustively employed.

* "The Arts of Japan." By Edward Dillon. Chicago: A. C. McClurg & Co., 1909.

† "Illuminated Manuscripts." By John W. Bradley. Chicago: A. C. McClurg & Co., 1909.

‡ "How to Appreciate Prints." By Frank Wertenkampf, Curator of the Print Department of the New York Public Library. New York: Moffat, Yard & Co.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

FICTION.

There is nothing to hold against the Benson brothers but their unfailing industry. Nothing can swerve them from the path of producing a book or two a year. It remains, therefore, for their readers to accept the fact that the matter contained in the books must be slight. "The Reaping,"* by E. F. Benson, is slighter than usual. It is unconventionally invented, the chapter headings bearing the names of the months and the structure being of a rather straggling and casual kind. The usual ingredients, however, are to hand; meditative à la A. C. Benson; the third brother's unfailing interest in the god Pan; also his lasting interest in women's hair, which the author brushes and describes much as he has done in "The Climbers" and other volumes. There is also a ghost, a warning, reflections upon death, à la R. H. Benson, as well as of a great deal of charming landscape and light laughter. The doctrine is Stevenson's of cheer and kindness at all costs; excellent doctrines, but not gripping nor vitalizing. It is sad, but somehow the ultimate amiability of all things was always and remains still a tepid inspiration. The book is very gentle, sweet-spirited and kindly, and if it were by a young and unknown author we should hail it with pleasure and delight; but Mr. Benson must submit to the criterion of his past. Our demand upon him is like that the little schoolgirl made of the readier elder sister who wrote her compositions for her week by week: "Now be sure and make me improve a little since last time," she would urge. We want Mr. Benson to improve a little each time. He is still quite young enough, and we recommend a stern experience of deprivation and misery or a very undermining course of reading; not so much that he may, as Neitzsche might say, hold more correct views, but that he should liberate himself from what is customary either successfully or disastrously. It is a great doctrine to set one's faith upon, that a big failure is better than a slight success.

* "The Reaping." By E. F. Benson. New York: Doubleday, Page & Co., 1909.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CONTRIBUTORS TO THIS NUMBER.

RHYS CARPENTER

was born at Cotuit, Cape Cod, Massachusetts, August 5th, 1889. He received the degree of A.B. from Columbia University in 1909. In 1908 he was appointed Rhodes Scholar from New York State, and since October of that year has been in residence at Balliol College, Oxford.

WOODROW WILSON,

President of Princeton University, is a native of the Old Dominion. After graduating at Princeton in 1879, he studied law in the University of Virginia and took a post-graduate course in Johns Hopkins University. For a short time he practised law in Atlanta, Georgia. He was professor of History and Political Economy in Bryn Mawr College from 1885 to 1888 and in Wesleyan University from 1888 to 1890. In the last-named year he was appointed to the chair of Jurisprudence and Politics in Princeton University, and on August 1st, 1902, he assumed his present position as head of that institution on the resignation of the Rev. Dr. Francis L. Patton. Among his published works are "A History of the American People" and "Congressional Government: A Study in American Politics." He has from time to time contributed articles to the REVIEW.

PHILIP LORING ALLEN

was a native of Wisconsin and a graduate of the university of that State. He was an editorial writer on the New York

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Evening Post," for which paper he also served as Washington correspondent. He contributed both fiction and political articles to a number of periodicals and published a book entitled "America's Awakening." His present contribution is published posthumously.

ALGERNON C. SWINBURNE

was born in Pimlico, 1837, and died in Surrey, 1909. Although a student at Oxford University, he left without taking his degree, but was distinguished throughout his life for his mastery of the Greek and Latin languages. As author his many learned essays, written in a vivid style, gave him a place among the prose masters. As poet his "unrivalled rythmical genius," it was hoped, would win him the laureateship. His familiar works are "Atalanta in Calydon," "Songs of the Springtides," "Astrophel and Other Poems," "Mary Stuart."

HERBERT CROLY

was born in New York City in January, 1869. Sometime a student at the College of the City of New York, he later was at Harvard University. From 1900 to 1906 he was editor of the "Architectural Record." His book entitled "Promise of American Life" was published in 1909.

MAJOR-GENERAL W. H. CARTER, U.S.A.,

was born in Nashville, Tennessee. For twenty-four years after graduating at the United States Military Academy he was in active service on the frontier. His first experience was with the Eighth Infantry, which he joined, as second lieutenant, in 1873. In 1874 he was transferred to the Sixth Cavalry, and in 1879 he was promoted to be first lieutenant and regimental quartermaster. He was advanced to the command of a company in the Sixth Cavalry in 1889, and he received his majority in 1897, when he was appointed Assistant Adjutant-General of the United States Army He served for some time in the Philippines, and he is now in command of the Department of Luzon, Manila. General Carter holds a medal of honor which was awarded to him for dis-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tinguished bravery in action against the Apache Indians at Cibicu Creek, Arizona, on the 30th of August, 1881. He is the author of "Horses, Saddles and Bridles," "An Historical Sketch of the Sixth United States Cavalry," "From Yorktown to Santiago" and "Old Army Sketches." He has also contributed to the REVIEW.

JOSEPH J. FEELY

was born in Boston in 1862 and is a graduate of the Boston University Law School, 1884, and at present is president of the alumni of that school. He has been Assistant District Attorney of Massachusetts, and is an authority in the law relative to industrial disputes. He is recognized as a well-known trial lawyer in his State, and also lectures upon legal subjects.

ALEXANDER C. HUMPHREYS

is a native of Edinburgh, Scotland. A graduate of Stevens Institute of Technology in 1881, he returned to it as president in 1902, which distinguished office he now holds. He is a member of many scientific associations, such as American Society of Civil Engineers, American Institute of Mechanical Engineers, British Association for the Advancement of Science, American Chemical Society, and so forth. He has written numerous papers on engineering subjects, and is also the author of "Lecture Notes on Some of the Business Features of Engineering Practices."

GENEVIEVE GRANDCOURT

is a writer of book reviews and short stories. She was Associated Press correspondent stationed in the island of Jamaica at the time of the outbreak of the insurrection in Cuba. She has been interested in different phases of science for some time and has made a study of laboratory work in various institutions.

LEMUEL E. QUIGG,

the well-known ex-Congressman, was born in Maryland in 1863. Educated in the common schools, he began his career in journalism. From 1883-4 he was editor of the "Flushing

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Times." For ten years he was on the editorial staff of the "New York Tribune." From 1893-9 he was member of Congress. He served as President of the Republican County Committee of New York State from 1896-1900. Twice acted as chairman of the Republican State Convention, and has three times been a delegate to the Republican National Conventions. His experiences enable him to be a first-hand authority on the personnel and details of party politics.

SYDNEY BROOKS

is an English journalist who has already contributed a number of articles to the REVIEW on a variety of subjects. He is a profound student of current English politics and a reliable writer on that subject.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED